



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# YALE LAW JOURNAL

---

VOLUME XXIX  
1919-1920

---

PUBLISHED BY  
YALE LAW JOURNAL COMPANY, INC.  
NEW HAVEN, CONN.

COPYRIGHT BY THE YALE LAW JOURNAL COMPANY  
1919-1920

# INDEX

## ARTICLES

CAN RATIFICATION OF AN AMENDMENT TO THE CONSTITUTION BE MADE TO DEPEND ON A REFERENDUM?: <i>William Howard Taft</i> .....	821
COMMON LAW AND STATUTES, THE: <i>Ernest Bruncken</i> .....	516
CONTINGENT AND IMMATURE CLAIMS IN RECEIVERSHIP PROCEEDINGS: <i>Ralph E. Clark</i> .....	481
CONVEYANCES OF REGISTERED LAND: <i>James Edward Hogg</i> .....	401
CRISIS OF MODERN JURISPRUDENCE, THE: <i>Sir Paul Vinogradoff</i> .....	312
DELIVERY IN ESCROW AND THE PAROL EVIDENCE RULE: <i>Henry W. Ballantine</i> .....	826
DEVELOPMENT OF PRIVATE INTERNATIONAL LAW THROUGH CONVENTIONS, THE: <i>D. Josephus Jitta</i> .....	497
<i>Eisner v. Macomber</i> AND SOME INCOME TAX PROBLEMS: <i>Charles E. Clark</i> .....	735
ENFORCEMENT OF AMERICAN JUDGMENTS ABROAD, THE: <i>Ernest G. Lorenzen</i> .....	188, 268
EXISTING COURT-MARTIAL SYSTEM AND THE ANSELL ARMY ARTICLES, THE: <i>Edmund M. Morgan</i> .....	52
FAMOUS ENGLISH K. C., A: <i>Walter Preston Armstrong</i> .....	718
GIFTS FOR PUBLIC MONUMENTS: <i>Edward Q. Keasbey</i> .....	729
IMPLIED POWERS AND IMPLIED LIMITATIONS IN CONSTITUTIONAL LAW: <i>W. F. Dodd</i> .....	137
INDIVIDUALISM AND REALISM: <i>Gaston Gavet</i> .....	523, 643
LAW AND EVOLUTION: <i>W. Jethro Brown</i> .....	394
LEGAL ANALYSIS AND TERMINOLOGY: <i>Arthur L. Corbin</i> .....	163
NATURE OF THE TRADE-MARK, THE: <i>W. L. P. A. Molengraaff</i> .....	303
POWER OF GOVERNMENT OVER SPEECH AND PRESS: <i>Fred. B. Hart</i> .....	410
PRESENT VALUE OF COMPARATIVE JURISPRUDENCE, THE: <i>C. E. A. Bedwell</i> ..	509
PRESS CONTROL AND COPYRIGHT IN THE 16TH AND 17TH CENTURIES: <i>W. S. Holdsworth</i> .....	841
PROPERTY IN OIL AND GAS: <i>W. L. Summers</i> .....	174
PROPOSED TRIAL OF THE FORMER KAISER, THE: <i>Simeon E. Baldwin</i> .....	75
PUBLIC POLICY IN PRIVATE INTERNATIONAL LAW: <i>Professor J. Kusters</i> ....	745
RATIONALE OF AGENCY, THE: <i>Warren A. Seavey</i> .....	859
"REAL" EVIDENCE: <i>Sidney L. Phipson</i> .....	705
REGULATING FRANCHISE RATES: <i>Charles K. Burdick</i> .....	589
REMOTENESS AND CHARITABLE GIFTS: <i>Charles P. Sanger</i> .....	46
SEPARATION OF GOVERNMENTAL POWERS: <i>Frederick Green</i> .....	369
SOME CONSTITUTIONAL ASPECTS OF THE EXCESS PROFITS TAX: <i>Arthur A. Ballantine</i> .....	625
THEORY OF MONEY IN THE LAW OF COMMERCIAL INSTRUMENTS, THE: <i>Her- man Oliphant</i> .....	606
UNFAIR COMPETITION, EFFORTS TO DEFINE: <i>Charles Grove Haines</i> .....	1
VERDICTS, GENERAL AND SPECIAL: <i>Edson R. Sunderland</i> .....	253
WEBB-POMERENE LAW, THE—EXTRATERRITORIAL SCOPE OF THE UNFAIR COM- PETITION CLAUSE: <i>William Nots</i> .....	29

<i>Armstrong, Walter Preston</i> : A FAMOUS ENGLISH K. C. ....	718
<i>Baldwin, Simeon E.</i> : THE PROPOSED TRIAL OF THE FORMER KAISER .....	75
<i>Ballantine, Arthur A.</i> : SOME CONSTITUTIONAL ASPECTS OF THE EXCESS PROFITS TAX .....	625
<i>Ballantine, Henry W.</i> : DELIVERY IN ESCROW AND THE PAROL EVIDENCE RULE .....	826
<i>Bedwell, C. E. A.</i> : THE PRESENT VALUE OF COMPARATIVE JURISPRUDENCE ..	509
<i>Brown, W. Jethro</i> : LAW AND EVOLUTION .....	394
<i>Bruncken, Ernest</i> : THE COMMON LAW AND STATUTES .....	516
<i>Burdick, Charles K.</i> : REGULATING FRANCHISE RATES .....	589
<i>Clark, Charles E.</i> : <i>Eisner v. Macomber</i> AND SOME INCOME TAX PROBLEMS	735
<i>Clark, Ralph E.</i> : CONTINGENT AND IMMATURE CLAIMS IN RECEIVERSHIP PROCEEDINGS .....	481
<i>Corbin, Arthur L.</i> : LEGAL ANALYSIS AND TERMINOLOGY .....	163
<i>Dodd, W. F.</i> : IMPLIED POWERS AND IMPLIED LIMITATIONS IN CONSTITU- TIONAL LAW .....	137
<i>Gavet, Gaston</i> : INDIVIDUALISM AND REALISM .....	523, 643
<i>Green, Frederick</i> : SEPARATION OF GOVERNMENTAL POWERS .....	369
<i>Haines, Charles Grove</i> : EFFORTS TO DEFINE UNFAIR COMPETITION .....	I
<i>Hart, Fred. B.</i> : POWER OF GOVERNMENT OVER SPEECH AND PRESS .....	410
<i>Hogg, James Edward</i> : CONVEYANCES OF REGISTERED LAND .....	401
<i>Holdsworth, W. S.</i> : PRESS CONTROL AND COPYRIGHT IN THE 16TH AND 17TH CENTURIES .....	841
<i>Jüta, D. Josephus</i> : THE DEVELOPMENT OF PRIVATE INTERNATIONAL LAW THROUGH CONVENTIONS .....	497
<i>Keasbey, Edward Q.</i> : GIFTS FOR PUBLIC MONUMENTS .....	729
<i>Kosters, Professor J.</i> : PUBLIC POLICY IN PRIVATE INTERNATIONAL LAW ...	745
<i>Lorenzen, Ernest G.</i> : THE ENFORCEMENT OF AMERICAN JUDGMENTS ABROAD .....	188, 268
<i>Molengraaff, W. L. P. A.</i> : THE NATURE OF THE TRADE-MARK .....	303
<i>Morgan, Edmund M.</i> : THE EXISTING COURT-MARTIAL SYSTEM AND THE ANSELL ARMY ARTICLES .....	52
<i>Notz, William</i> : THE WEBB-POMERENE LAW—EXTRATERRITORIAL SCOPE OF THE UNFAIR COMPETITION CLAUSE .....	29
<i>Oliphant, Herman</i> : THE THEORY OF MONEY IN THE LAW OF COMMERCIAL INSTRUMENTS .....	606
<i>Phipson, Sidney L.</i> : "REAL" EVIDENCE .....	705
<i>Sanger, Charles P.</i> : REMOTENESS AND CHARITABLE GIFTS .....	46
<i>Seavey, Warren A.</i> : RATIONALE OF AGENCY, THE .....	859
<i>Summers, W. L.</i> : PROPERTY IN OIL AND GAS .....	174
<i>Sunderland, Edson R.</i> : VERDICTS, GENERAL AND SPECIAL .....	253
<i>Taft, William Howard</i> : CAN RATIFICATION OF AN AMENDMENT TO THE CONSTITUTION BE MADE TO DEPEND ON A REFERENDUM? .....	821
<i>Vinogradoff, Sir Paul</i> : THE CRISIS OF MODERN JURISPRUDENCE .....	312

## BOOK REVIEWS

Beveridge: <i>The Life of John Marshall. Volumes III and IV.</i> (Edward S. Corwin) .....	586
Bigelow: <i>Cases on the Law of Property. Volume II. Introduction to the Law of Real Property—Rights in Land.</i> (Charles E. Clark) .....	477
Birdseye: <i>American Democracy versus Prussian Marxism. A Study in the Nature and Results of Purposive or Beneficial Government.</i> (G. A. Kleene) .....	817
Brannan: <i>The Negotiable Instruments Law.</i> (K. N. Llewellyn) .....	699
Colcord: <i>Broken Homes: A Study of Family Desertion and its Social Treatment.</i> (K. N. Llewellyn) .....	819
Connor: <i>John Archibald Campbell, Associate Justice of the United States Supreme Court, 1853-1861.</i> (Simeon E. Baldwin) .....	946
Corbin: <i>Anson on Contract.</i> (H. W. Arant) .....	134
Elliot: <i>Traditions of British Statesmanship.</i> (Sydney K. Mitchell) .....	251
Fifield: <i>The American Bar—Contemporary Lawyers of the United States and Canada.</i> (Thomas W. Swan) .....	252
Gleason and Otis: <i>A Treatise on the Law of Inheritance Taxation.</i> (Harrison Hewitt) .....	947
Gompers: <i>American Labor and the War.</i> (H. G. Hayes) .....	368
Hall and Brooke: <i>American Marriage Laws in their Social Aspects.</i> (K. N. Llewellyn) .....	819
Harrison: <i>On Jurisprudence and the Conflict of Laws.</i> (Ernest G. Lorenzen) .....	250
Hinton: <i>Cases on the Law of Evidence, selected from decisions of English and American Courts.</i> (E. M. Morgan) .....	818
Jenks: <i>The State and the Nation.</i> (A. K. Rogers) .....	585
Jitta: <i>The Renovation of International Law.</i> (Ernest G. Lorenzen) ....	700
Leadam and Baldwin: <i>Select Cases before the King's Council.</i> (George E. Woodbine) .....	582
Leighton: <i>Manual of Maine Probate Law and Practice.</i> (Harrison Hewitt) .....	251
Lorenzen: <i>The Conflict of Laws Relating to Bills and Notes, Preceded by a Comparative Study of the Law of Bills and Notes.</i> (K. N. Llewellyn) .....	478
Minor: <i>The Workmen's Compensation Laws of Virginia and West Virginia.</i> (George E. Beers) .....	583
Sadler: <i>The Relation of Custom to Law.</i> (K. N. Llewellyn) .....	368
Schoonmaker: <i>The Actual Government of Connecticut.</i> (Harrison Hewitt) .....	588
Scott: <i>Hawley's Law of Arrest.</i> (S. F. Dunn) .....	820
Scott: <i>Select Cases and Other Authorities on the Law of Trusts.</i> (E. S. Thurston) .....	249
Shackleford: <i>Soldier-Lawyer Directory.</i> (S. F. Dunn) .....	820
Smith: <i>International Law.</i> (E. M. Borchard) .....	702
Smith: <i>Justice and the Poor—A Study of the Present Denial of Justice to the Poor and of the Agencies making more equal their Position before the Law with Particular Reference to Legal Aid Work in the United States.</i> (Thomas W. Swan) .....	475
Stallybrass: <i>A Society of States.</i> (Harold J. Laski) .....	136
Thompson: <i>Title to Real Property.</i> (Ralph W. Aigler) .....	367
Williston: <i>The Law of Contracts.</i> (Arthur L. Corbin) .....	942

## INDEX—DIGEST

Numerals in italics refer to Leading Articles; in heavy-faced type, to Comments and Book Reviews; in Roman, to Recent Case Notes; with an asterisk, to Current Decisions.

<b>Abatement</b>		Revival of adverse claim by statute after lapse by limitation: chattel and chose in action held adversely .....91, *	129
Death of plaintiff: action for alienation of affections .....	*816		
Pendency of same cause of action .....	795		
<b>Accord</b>		<b>Agency</b>	
See under <i>Contracts</i>		See <i>Army and Navy</i>	
<b>Account Stated</b>		See <i>Attorneys</i>	
See under <i>Pleading</i>		Authority of commanding officer of United States warship to bind United States .....	*363
<b>Acknowledgments</b>		Broker's commissions: when earned: purchaser willing to buy .....	*578
See <i>Administrative Law, Notary Public</i>		See <i>Carriers, Torts of Servants</i>	
See <i>Statute of Limitations</i>		Charitable corporations: negligence of employee .....	*814
<b>Acquittal</b>		Constructive notice: to sub-agent: not notice to principal	795
See <i>Evidence</i>		Estoppel: actions <i>ex delicto</i> : no application .....	*470
<b>Administration of Estates</b>		Exclusive privilege of sale doesn't prevent principal from selling without incurring duty to pay commissions .....	*470
See <i>Executors and Administrators</i>		Failure of soliciting agent to transmit offer as tort by principal .....	*673, *693
<b>Administrative Law</b>		Fraud: liability of agent for money obtained by fraud ....	111
Connecticut: actual government of: Schoonmaker .....	588	Lending servant: duty to pay for his negligence .....	682
Delegation of administrative power by legislature: extent to which constitutional .....	638	Liability of agent: money obtained by fraud: turned over to principal .....	111
See <i>Municipal Corporations</i>		Operator of telegraph company who takes messages over phone at invitation of the company is company's agent, not the sender's .....	934
Notary public: duty to ascertain identity of person signing a writing certified by him ...	*361	Payment of money to principal: effect of fraud and repudiation: notice to the agent ....	111
Police power: detention of diseased persons by health commissioner .....	*361	Ratification: a case of offer and acceptance .....	770
Police power: municipal ordinance requiring street railways to sprinkle tracks .....	*578	Sale to undisclosed agent not a sale to undisclosed principal..	*361
School boards: review of actions	229	Services rendered before employment: promise to pay for: creates contract .....	*767, *813
Taxation: compromise: power of secretary of treasury to ...	641 n.	See <i>Telegraphs and Telephones, Regulations</i>	
See <i>Unfair Competition</i>		Theory: rationale of agency...	859-895
<b>Admiralty</b>		Fiction in agency: overestimated .....	859
Chartered ship requisitioned by government: claim for loss as belonging to owner or to charterer .....	*545, *578	Relationship: definitions ....	860
See <i>Constitutional Law</i>		"Authority": analysis .....	860
Harter Act: does not privilege ship to jettison cargo without contribution .....	557	"Acts for and in the name of": analysis .....	862
Jurisdiction: state workmen's compensation: retroactive effect of state statute .....	*362	"Founded on contract": analysis .....	862
See <i>Prize</i>			
State workmen's compensation acts not applicable to admiralty .....	925		
<b>Adverse Possession</b>			
Claim of right: good faith: other elements .....	923		
Decree of ouster during period: other decrees .....	806		
Effect of judgment against possessor to quiet title .....	923		

"Created by law": analysis ..	863	<b>Army and Navy</b>	
"To represent in contractual relations": analysis .....	864	Commander of warship: power to bind United States in contract .....	*363
Agency: distinguished from trust .....	867	Death while serving: see <i>Life Insurance, Exemption Clause</i>	
Definition .....	868	Existing court-martial system and the Ansell Army Articles .....	52-74
Agent: the necessary capacity	869	General Court-Martial .....	53
Principal: the necessary capacity .....	870	Special Court-Martial .....	53
Power of agent: originating from direct grant: classification .....	872	Summary Court-Martial .....	53
"Ostensible authority": analysis of agent's powers .....	873	Procedure: for preferring charges: and for bringing accused to trial .....	54
Powers of agents: reasons for their creation .....	883	Guaranties of impartiality of appointing authority and court .....	57
Agent: trust reposed in: control by principal .....	884	Provisions for assuring a fair and thorough presentation of facts and law: insufficient control of appointing and superior military authority over the court and its findings: absolute .....	60
Agent: liability .....	885	Proceedings of court: not subject to review for correction of error .....	63
"Ratification": analysis .....	886	Ansell Army Articles:	
"Relation back": illogical and fictitious .....	889	Procedure for preferring charges and bringing accused to trial .....	67
Power of agent: its termination .....	892	Guaranties of impartiality of appointing authority and court .....	68
Non-agency .....	895	Provisions assuring fair presentation of facts and law .....	69
Undisclosed principal: sealed instruments: liability .....	229	Control of appointing and superior military authority over court and its finding: eliminated .....	71
<b>Alienation of Affections</b>		Proceedings of trial court subject to judicial review for correction of error ..	71
See <i>Marriage and Divorce</i>		Obedience of orders by soldier: no contributory negligence .....	235
<b>Aliens</b>		<b>Arrest</b>	
Alien friend: American born wife of resident citizen of enemy state .....	350	Law of: Hawley on .....	820
Criminal prosecution against ...	336	Passengers on trains: see <i>Carriers, Passengers</i>	
Deportation: philosophical anarchists .....	561	<b>Assault and Battery</b>	
Marriage to: see <i>Citizenship</i>		See under <i>Criminal Law</i>	
Naturalization: see <i>Citizenship</i>		<b>Assignment</b>	
Taxation of aliens protected by treaty .....	114	See <i>Contracts</i>	
<b>Alimony</b>		See <i>Leases, Subleases</i>	
See <i>Marriage and Divorce</i>		See <i>Life Insurance</i>	
<b>Alteration of Instruments</b>		See <i>Wills, Expectancies</i>	
See <i>Bills and Notes</i>		<b>Attachment</b>	
Presumptions: see <i>Evidence</i>		Tort claim settled by accord cannot then be attached by creditor .....	115
<b>Amendments</b>		<b>Attorneys</b>	
See <i>Pleading</i>		Attorneys and barristers: desirability of the specialization .....	723
See <i>Taxation</i>		Claim-adjustment: statute prohibiting solicitation .....	680
<b>Anarchists</b>			
See <i>Aliens</i>			
See <i>Sedition</i>			
<b>Animals</b>			
See under <i>Negligence</i>			
See under <i>Torts</i>			
<b>Annulment of Marriage</b>			
See under <i>Marriage and Divorce</i>			
<b>Ansell Army Articles</b>			
See <i>Army and Navy, Existing Court-Martial System</i>			
<b>Antecedent Debt</b>			
See <i>Consideration</i>			
<b>Antenuptial Agreements</b>			
See <i>Contracts</i>			
<b>Appeal</b>			
See <i>Trial</i>			
<b>Armistice</b>			
See <i>War, Termination</i>			

- Disbarment or suspension: prosecuting attorney not ousted from office by suspension .... 796  
Practice of law by suspended attorney ..... 350  
Discharge of attorney under contract: no recovery of damages ..... 921  
Fees: contingent: statutory regulation: workmen's compensation act ..... \*244  
See *Executors and Administrators*  
Yearly income of lawyers in England and in America ... 724  
Lien of attorney: good despite foreign *ex parte* judgment of voidity for champerty ..... 679  
Set-offs subject to lien ..... \*577  
Counterclaims: settlements by parties ..... 111  
Negligent opinions given in good faith: reliance by third parties ..... 234  
Practice of law: no license: what constitutes practice of law ..... \*577  
Solicitors: power to give memorandum of oral contract by client ..... 463  
**Automobiles**  
Owner's duty to pay for damages by another driving his automobile ..... 467  
**Bailments**  
See *Carriers*  
Limitation of bailees' liability: loss of baggage in a check-room: notice on back of check ..... 562  
**Bankruptcy**  
Asset of bankrupt: proceeds of wife's capital wholly under bankrupt's control ..... 556  
Bankruptcy Act: section 4a ... 351  
Section 5 ..... 455  
Section 17 ..... 455, 797  
Section 60a ..... 112  
Section 60b ..... 112  
Section 63a ..... 455  
Section 63b ..... 455  
Section 65d ..... 797  
Section 70a ..... 562  
Foreign creditors: actual notice: barred ..... 797  
Preferences: date when preferential character determined .. 112  
Property acquired by trustee: lease: forfeiture ..... 562  
Provable claims: unliquidated damages for fraud of partners: partnership and individual estates: double proof .... 455  
See *Receivers*  
Voluntary: public service corporation ..... 351  
**Banks and Banking**  
See *Bills and Notes, Checks*  
Deposits: set-off without notice, of note held by bank ..... 920  
Checks: stoppage of payment: depositor's waiver of right if bank negligently fails to stop ..... 919  
National Banking Act: usury: national and state banks: state laws ..... 457  
Barbour, Willard T. .... 654  
**Bastards**  
See *Conflict of Laws, Legitimation*  
**Beneficiaries**  
See under *Contracts*  
**Bills and Notes**  
Accommodation guarantors: parol agreement by payee to stand share of loss ..... 349  
Agreement to renew: oral: prior to maturity, after making: equitable defence ..... 924  
Alteration: see *Evidence, Presumptions*  
Alteration: detaching note from contract along perforated lines ..... 797  
Blanks: completion ..... 801  
Checks: negligent drawing: payment by bank of raised check ..... 792  
Post-dated: how far peculiar to themselves ..... 321  
Post-dated: privileges and powers of bank under ..... 321  
Post-dated: transfer before due date: effect ..... \*812  
Consideration: seal as affecting necessity for ..... 345  
Endorser: discharged by failure to give notice: new promise under N. I. L. .... 793  
Foreign law of, and conflict of laws in: Lorenzen on ..... 478  
See *Money in the Law of Commercial Instruments*  
N. I. L.: section 124 ..... 797  
Section 14 ..... 801  
Recent problems under: Brannan's annotations ..... 699  
Payee: impostor to whom paper personally delivered under assumed name: maker precluded from setting up forgery under N. I. L. section 23 ..... 920  
*Price v. Neal*: forged draft to order of apparent drawer, endorsed by forger ..... 921  
Seal: effect of N. I. L. on necessity for consideration in sealed note ..... 345  
Transfer: assignment, sale, negotiation and endorser's contract distinguished ..... 102, \*128  
**Bills of Discovery**  
See *Equity*  
**Biography**  
Barbour, Willard T. .... 654  
Campbell, John Archibald: Con- nor on ..... 946  
Clarke, Sir Edward ..... 718-728



Early education .....	718	enforced by <i>mandamus</i> where carrier financially unable to perform .....	359
First address to jury .....	720	United States mail: compensa- tion for carriage .....	686
Author of <i>Law of Extradition</i> .....	721	<b>Case-book Study</b>	
Fusion of the two branches of the legal profession in Eng- land: desirability .....	723	How far useful, in development of early real property law ...	477
Fees of contemporary lawyers .....	724	<b>Cause of Action</b>	
In Parliament .....	726	After period of limitation: see <i>Pleading, Amendments</i>	
Literary productions .....	728	Pendency of same cause at same time: abatement .....	795
Marshall, John: Beveridge on..	586	<b>Certificate of Disqualification</b>	
<b>Black Lists</b>		See <i>Mandamus</i>	
See <i>Libel and Slander</i>		<b>Challenges</b>	
<b>Blanks</b>		See <i>Constitutional Law, Jury</i> <i>Trial</i>	
See under <i>Bills and Notes</i>		<b>Champertry</b>	
See under <i>Conveyances, Deeds</i>		See <i>Attorneys</i>	
<b>Bonds</b>		<b>Character</b>	
See <i>Municipal Corporations</i>		See <i>Evidence</i>	
Construction of <i>strictissimi juris</i> .....	564	<b>Charitable Corporations</b>	
Issued for payment of its own stock bought by corporation: subsequent creditors no priori- ty when bonds recorded ....	*129	Negligence of employees: duty to pay damages .....	*814
<b>Bonuses and Bounties</b>		<b>Charitable Trusts</b>	
See <i>Taxation, Public Purposes</i>		See <i>Monuments, Public</i>	
<b>Boycotts</b>		See <i>Trusts</i>	
See under <i>Labor Unions</i>		<b>Choses in Action</b>	
<b>Brokers</b>		See <i>Bills and Notes</i>	
See <i>Agency</i>		See <i>Limitation of Actions</i>	
<b>Bulk Sales Act</b>		<b>Citizenship</b>	
See <i>Sales</i>		Loss by naturalization abroad ..	*128
<b>Burden of Proof</b>		Married women: native nation- ality not lost by marriage to alien .....	*128
See <i>Evidence</i>		Naturalization of aliens: erro- neous specification of sover- eign: order <i>nunc pro tunc</i> ...	560
See <i>Wills</i>		<b>Claim Adjustment</b>	
<b>Business Trusts</b>		See <i>Constitutional Law, Due</i> <i>Process</i>	
See <i>Trusts</i>		<b>Claims</b>	
<b>Campbell, John Archibald</b>		See <i>Damages</i>	
Connor on .....	946	<b>Clarke, Sir Edward</b>	
<b>Cancellation</b>		See under <i>Biography</i>	
See <i>Damages, Sales</i>		<b>Client</b>	
See <i>Notice</i>		See <i>Attorneys</i>	
<b>Capacity</b>		<b>Cloud on Title</b>	
See <i>Conflict of Laws</i>		See <i>Equity, Quieting Title</i>	
<b>Carmack Amendment</b>		See <i>Real Property</i>	
See <i>Carriers</i>		<b>Code Pleading</b>	
<b>Carriers</b>		See <i>Pleading</i>	
Baggage: limitation of liability for loss printed on check ....	562	<b>Common Law</b>	
Carmack Amendment: presump- tion against terminal carrier..	*244	Relation to statutes: see under <i>Jurisprudence</i>	
Delay in delivery: see <i>Damages,</i> <i>Consequential</i>		<b>Common Law Pleading</b>	
Government control: no defence to action for damages in trans- portation .....	*470	See <i>Pleading</i>	
See <i>Interstate Commerce</i>		<b>Comparative Law</b>	
Passengers: protection from police .....	352	See <i>Conflict of Laws, Public</i> <i>Policy</i>	
Passengers: relation continues during transfer to another car: safe places to alight ....	*362	Foreign law: bills and notes, local and conflict of laws rules: Lorenzen .....	478
See <i>Railroads</i>		France: criminal law: time of imprisonment during trial reckoned as part of sentence	794
Torts of servants: theft of goods: contractual duty to carry safely .....	924	Japan: conflict of laws in ...	778
See <i>Torts, Trespassers</i>			
Tracks: road bed: upkeep re- quired by statute will not be			

- See *Unfair Competition*  
 See *Judgments, Enforcement*  
 See *Jurisprudence*  
 Present value of comparative jurisprudence ..... 509-515  
   Affinity between systems of French and English law ... 509  
   Establishment of an organization for the internal regulation of labor conditions .... 510  
   Legislation: general trend ... 514  
   Double value of comparative jurisprudence ..... 515  
**Compromise**  
   Of taxes: see *Administrative Law*  
   See *Trial, Verdict*  
**Conditions**  
   See *Fire Insurance, Vacancy Clause*  
   On delivery: see *Conveyances, Deeds*  
   See *Wills*  
   See *Wrongful Death Statute, Period of Suit*  
**Conflict of Laws**  
   Foreign realty: see *Taxation, Inheritance Tax*  
   See *Bankruptcy, Foreign Creditors*  
   Bills and notes: foreign and Anglo-American: Lorenzen on 478  
   Capacity: commercial contracts: intention determining the *lex loci solutionis* as the governing law ..... 451  
   See *Citizenship*  
   See *Comparative Law*  
   Contracts: see *infra, Public Policy*  
   Criminal law: extraterritorial operation of criminal statute: Webb-Pomerene law ..... 34  
   Death statutes: distribution of damages: law controlling ... 798  
   Development of private international law through conventions ..... 497-508  
   Hatred and distrust, results of great war, to be overcome.. 497  
   Supranational life continued.. 498  
   Private international law: not exclusively a part of the law of a country ..... 499  
   Comparative private international law ..... 499  
   Collective international regulations ..... 500  
   Form of Hague treaties ..... 502  
   Marriage, effects of marriage, divorce, guardianship and lunacy ..... 503  
   Purpose of rules is not only the solution of the conflicts of law ..... 503  
   Nationality and domicile .... 504  
   Limitations of principle of nationality in Hague treaties.. 504  
   Possibility of compromise ... 505  
   Obligations and contract .... 506  
   Civil procedure ..... 507  
   Domicil: intent to change: travellers ..... \*473  
   Foreign judgments and decrees: see *Equity, Extraterritorial Effect of Decree*  
   See *Judgments*  
   Foreign statutes: application: rules of conflict and of construction ..... 329, \*362  
   Construction of ..... 230  
   General theory: all rights ultimately created by the *lex fori* 451  
   Basis of rules: a community of mankind: international common law: insufficiency of mechanical rules: Jitta.. 700  
   See *infra, Public Policy*  
   Interstate toll bridges: forum *v.* enacting jurisdiction ..... 230  
   See *Judgments*  
   Jurisdiction: see *Courts*  
   Legitimation: escheat ..... 573  
   "Procedural" and "substantive" rules ..... 329, \*362  
   Public policy in private international law ..... 745-766  
     Conflict of laws rules not part of international law, but the creation of each individual forum ..... 745  
     Exceptions by consent or treaty ..... 747  
     Rule reached for any case is the creation of the forum .. 748  
     Public policy as demanding application of forum's local rule ..... 748  
     Savigny's view ..... 750  
     Mancini's: the principle of nationality ..... 750  
     The judge's problem in conflicts cases ..... 751  
     Internal public policy and public policy in rejecting foreign regulation of foreign transactions: four possibilities .. 752  
     Rejection of foreign law is a positive creation of legal relations according to local law ..... 755  
     Various bases of rules of public policy: inherent and incidental conflicts ..... 756  
     Solutions by marriage of conflicting rules ..... 759  
     Contracts: the intention of the parties: true intention as against reasonable intention in the premises ..... 762  
     Illegal contracts and third parties ..... 764  
     Mutually incompatible foreign laws conflicting before neutral forum ..... 765

- Renvoi: rejected in New York .....214, \*244
- Statute of frauds: character, in conflicts .....329, \*362
- See *Taxation*
- Uniformity: possibility of: technical character of rules ..... 479
- Consent**
- See *Criminal Law, Rape*
- Consideration**
- Antecedent debt: promise to pay ..... 116
- Buying newspaper in reliance on offer of prizes to holders of free cards containing published numbers ..... 552
- Detriment as ..... 944
- Discharge: husband waiving desire to go to jail, as consideration for ..... 555
- Exclusive privilege of sale ..... 115
- Extension of doctrine of ..... 346 n.
- Illegal: see *Contracts, Illegality*
- Loan as: for more than promise to repay ..... 116
- See *Liens, Priority*
- Past: persistence of .....767, \*813
- Services rendered: requests.. 800
- Reliance on promise: acts done: mutuality ..... \*813
- Conspiracy**
- See *Evidence, Character*
- Constitutional Law**
- See *Admiralty*
- Amendments to the Constitution: can ratification be made to depend on a referendum? 821-825
- "Legislatures" in Article V, federal Constitution: meaning of ..... 822
- Construction by the Supreme Court ..... 825
- Criminal statute: extraterritorial operation: Webb - Pomerene law: constitutionality ..... 32
- Due process: claim-adjustment: prohibition of solicitation by lawyers or laymen ..... 680
- Cold storage: prohibition of sale after storage of more than six months: deprivation of privilege both of selling and of not selling .. 913
- Condemnation: draft animal and harness part of "conveyance" in which liquor was discovered ..... \*692
- Contributory negligence: statute making question wholly for jury .....225, 454, \*936
- Employers' liability: drastic Arizona act constitutional.. 225
- Hearing not necessary to condemnation: expediency determined by state officers .. \*577
- Prohibition: of sale of liquor lawfully possessed when statute was passed: prohibition of sale as "limitation on use" .....437, \*471
- Residence district: ordinance forbidding livery stable in.. 109
- Taking of property: revival by statute of debt already barred .....91, \*129
- Termination of canal franchise: damage to abutting owner with privilege of user .....431, \*470
- Eminent domain: restriction of apartment houses as aesthetic use ..... \*936
- See *Franchises*
- Freedom of speech and press: see *Copyright and Press Control*
- See *Freedom of Speech and Press*
- Full faith and credit: see *Judgments*
- Impairment of contracts: state or municipal franchise contracts: effect ....563, 589-605, \*692
- Implied powers and implied limitations in constitutional law 137-162
- Powers of state legislature ... 137
- Powers of Congress ..... 137
- Function of federal Constitution ..... 138
- Federal Constitution as a limitation upon states ..... 138
- Concurrent powers ..... 138
- Two types of invalidity of state laws ..... 139
- Tendency to narrow scope of state power ..... 139
- State government may not burden by taxation agencies of national power ..... 140
- National government may not tax state agencies ..... 140
- Federal Constitution as grant of power to national government ..... 140
- "Implied limitations": part played in construction of state constitutions ..... 141
- "Meaning" of federal Constitution: does not change.. 141
- Objects over which constitutional power is exercised do change ..... 141
- Constitutional language: possible extension of the content ..... 144
- Judicial construction of federal powers: Australia .... 145
- Emphasis of the federal Supreme Court: upon national powers ..... 146
- Few limitations upon national legislative power implied from grants of power to national government ..... 148
- Express limitations: in federal

Constitution: upon national powers .....	150
General powers: superior to general limitations .....	153
Limitations upon states in federal Constitution .....	155
State legislature has all powers not forbidden by constitution .....	157
Usual limitations .....	159
Constitutional law: a law of limitations .....	160
Federal limitations upon state powers: enforced by two sets of courts .....	160
Express limitations upon state legislatures: increasing ....	161
Federal constitutional law: primarily constructive ....	162
State constitutional law: primarily restrictive .....	162
See <i>Interstate Commerce</i>	
Jury trial: peremptory challenges: joint trial .....	*363
Kaiser, former, trial of: difficulties to United States participating .....	78
See <i>Municipal Corporations, Debts</i>	
Police power: see <i>Administrative Law</i>	
See <i>supra, Due Process</i>	
Privileges and immunities clause: equal protection of laws: non-residents and residents .....	464
Privileges and immunities clause: non-resident corporations not citizens .....	457
Residents and non-residents: income taxes: business within state .....	799
Prohibition: Reed Amendment: transportation in private auto for personal use .....	922
Transportation of liquor from safe deposit vault to residence .....	678
See <i>supra, Due Process</i>	
See <i>War Powers</i>	
Searches and seizures: information obtained by unwarranted search cannot be used to compel defendant to produce evidence under subpoena .....	553
See <i>Sedition</i>	
Separation of powers: delegation of administrative power by Congress .....	638
See <i>Government, Theory</i>	
Interference by equity with political elections .....	655, *694
Sixteenth Amendment: see <i>Taxation</i>	
State and national constitutional law contrasted: see <i>supra, Implied Powers</i>	
State statutes: interpretation by state court: effect federal courts .....	457

See <i>Taxation</i>	
Treason .....	414
Treaties: state laws: tax on aliens protected by treaty ....	114
Treaty-making power: as extending federal jurisdiction over fields otherwise wholly within state power: migratory birds: rights of aliens ....	445, *474
See <i>War Powers</i>	
<b>Construction of Statutes</b>	
See under <i>Statutes</i>	
<b>Contracts</b>	
Accord: executory: agreement before maturity to renew note: equitable defence .....	924
Specific performance of ....	114
Tort claim: attachment by creditor .....	115
See <i>Agency</i>	
Antenuptial agreements to bequeath: gifts during marriage	231
Assignment .....	546, *578
Effect: legal .....	945
See <i>Attorneys</i>	
Beneficiaries: claim enforceable against estate though not against testator .....	*364
Contractor's bonds conditional on payment of laborers: suit by laborers .....	914
Materialmen's bonds: construction of bonds .....	564
Materialmen's statutory right to sue on contractor's bond: agreement between city and contractor .....	*694
Promisee sole stockholder in beneficiary corporation ....	790
Bilateral: accord: enforcement by specific performance .....	114
See <i>Bills and Notes, Alteration</i>	
Breach: anticipatory: insolvency and receivership of corporation .....	483
See <i>Damages, Consequential</i>	
Of second contract not compelled by specific performance of first .....	*939
Waiver: doesn't forfeit right of action for damages ....	*245
Cancellation of: see <i>Notice</i>	
Conditions precedent: promisee voluntarily preventing fulfillment .....	769 n.
See <i>Conflict of Laws</i>	
See <i>Consideration</i>	
Construction: relations of public service corporations as to tracks, etc. ....	*692
"Presumptions" in interpretation: rebuttal by parol evidence: way of necessity .....	665, *694
Proviso reserving power to legislature to regulate fares	225
Definition: acts distinguished from resulting legal relations	942
Devise: contract to: subsequent marriage: enforced in equity	126

Devise pursuant to contract: see <i>Taxation, Inheritance Taxes</i>	
Discharge: impossibility of performance .....	*936
Formation of: see <i>Offer and Acceptance</i>	
Fraud: liability of agent where contract repudiated .....	111
Growth of contract law: restatement and analysis in exact terms: Corbin's <i>Anson</i> ..	134
Illegality: bond to cover one induced to break contract in case he had to pay damage ..	*692
Option contracts for future delivery: gambling contracts	927
Restraint of trade: see <i>Unfair Competition</i>	
Restraint of trade: employee: promise not to engage in similar trade .....	*693
Restraint of trade: use of trade name .....232, 308,	*693
Impairment: see <i>Constitutional Law</i>	
Materialmen: see under <i>Beneficiaries</i>	
See <i>Offer and Acceptance</i>	
See <i>Options</i>	
Parol variation of writing: see <i>Evidence, Parol</i>	
Parties: principals in guaranty: notice .....	238
Performance: lack of permission of shipping comptroller not prevent performance ....	*578
See <i>Persons, Insane Persons</i>	
See <i>Private Corporations</i>	
Provision for default: damages given on basis that the party "bound to convey in the alternative" .....	*366
See <i>Releases</i>	
School and student: contract relations between .....	358
Severability: entire contracts: intent of parties: sea wall, payments in installments ....	926
Short sales .....	793
See <i>Statute of Frauds</i>	
See <i>Telegraphs and Telephones, Mistake</i>	
Third party beneficiary: see <i>supra, Beneficiaries</i>	
Unity of contract law through various fields .....	945
Williston on: volume I .....	942
<b>Contingent Fees</b>	
See <i>Attorneys</i>	
See <i>Wills and Administration</i>	
<b>Contributory Negligence</b>	
See under <i>Negligence</i>	
<b>Conversion</b>	
Picking apples from neighbor's overhanging boughs .....	223
Suit against the United States..	125
Theft of goods by servant: effect on carrier's contract to safely convey .....	924

**Conveyances**

Abstracts of title: preparation of: Thompson on .....	367
Capacity: see <i>Persons, Insane Persons</i>	
See <i>Contracts, Construction</i>	
Deeds: blanks: power to complete: name of grantee: effect of delivery .....	801
Delivery: descent and distribution .....	*937
Delivery: to take effect on grantor's death .....	549, 827
Delivery in escrow and the parol evidence rule .....	826-840
Objection to inserting conditions precedent in deeds	826
Conditional delivery as a substitute .....	826
Delivery: operative facts constituting .....	549, 826
Absolute delivery: definition	827
Escrow: effective to change legal relations .....	828
Conditional delivery: definition .....	827
Conditional delivery: true nature .....	829
"Relation back" fiction: explanation .....	830
Escrow: revocability .....	830
Should not be held to rest on contract .....	831
Condition may or may not be a voluntary act of grantee .....	832
Delivery to grantee: subject to oral condition: not effective in America .....	833
Exception to parol evidence rule .....	835
Law in Illinois .....	837
Three alternatives .....	839
Restraint on alienation: condition barring alienation to negro .....	360
Gifts: deed to take effect on grantor's death: grantor's intent and loss of control and grantee's acceptance .....	549, *579
Need a gift vested in interest vest in enjoyment at once? .....	557-558
Registered land: conveyances of .....	401-409
Registration statutes .....	401
Statutes which insist upon use of instruments in statutory form and statutes which do not .....	402
Nature of rights conferred by ordinary conveyances pending registration .....	404
Effect of registration and operation of the registered mortgage .....	408
Revocation of will devising the same property: conveyance as	468
Warranty: breach of warranty	

- in sealed deed: undisclosed principal not liable ..... 229
- Covenant not breached by cloud on title ..... 236
- Copyright and Press Control**
- 16th and 17th centuries ..... 841-858
- Copyright: origin ..... 841
- Printing: supervision entrusted to Stationers Company ..... 843
- Press: regulation: ordinances of 1586 and 1637 ..... 847
- Parliament: destroys machinery for control of press .... 849
- Ordinance of 1647: history.. 851
- Restoration: ordinance of 1637 reenacted ..... 852
- House of Commons: declines to renew act in 1694 ..... 855
- Legal results ..... 856
- Act of 1709: origins of copyright ..... 857
- Corporations**
- See *Conflict of Laws, Interstate Toll Bridges*
- See *Foreign Corporations*
- See *Mandamus*
- See *Municipal Corporations*
- See *Private Corporations*
- See *Public Service Corporations*
- See *Receivers*
- Co-Tenants**
- See *Leases*
- See *Real Property*
- Counterclaims**
- See under *Attorneys, Lien*
- Courts**
- See *Evidence*
- Functioning: justice and the poor: necessity of adequate small claims courts: public defender: Smith ..... 475
- Jurisdiction: suits between non-resident corporations ..... 457
- United States Supreme Court: original jurisdiction ..... \*471
- Opinions: oral: rendition: undesirability ..... 678
- See *Trial*
- Courts-Martial**
- See *Army and Navy*
- Covenant of Warranty**
- See *Conveyances, Warranty*
- Creditors**
- See *Attachment*
- See *Bankruptcy*
- Criminal Law**
- Assault and battery: justification ..... \*128
- Crimes by wife: see under *Husband and Wife*
- Extraterritorial jurisdiction of Webb-Pomerene law ..... 34
- False pretenses: obtaining something of value ..... 801
- Fraudulent use of mails: good faith ..... 344
- Imprisonment pending trial: compensation on acquittal ... 794
- Larceny: liquor whose sale is forbidden still a subject of .. 794
- Taking not *lucri causa* ..... 552
- Lotteries: free prize-cards used to increase newspaper's circulation ..... 552
- Murder: intoxication of accused: intent to rape ..... 928
- Rape: assault with intent to rape: subsequent yielding ... 118
- Consent: intent ..... 118
- Receiving stolen property: receiving proceeds of bank credit whose creation was procured by false pretenses ..... 222
- Self-defence: pursuit of adversary: "retreating to the wall": homicide ..... 353
- Speech: how far mere words can be made criminal ..... 337
- Spy: offense of being: does not exist in civil courts ..... 793
- Treason: two eye-witness rule: Burr's constructive treason .. 586
- See *Trial*
- Cruelty**
- Depends upon variable aggregate of facts ..... \*816
- See *Marriage and Divorce*
- Damages**
- See *Charitable Corporations*
- Claim barred by statute of limitations because of fraud of defendant ..... 239
- See *Conflict of Laws, Death Statutes*
- Consequential: delay in delivery of serum to consignee: suit on contract of carriage: notice of perishable nature of serum 354
- Decline in value of stock during litigation ..... 564
- Facial disfigurement: loss of earning capacity: workmen's compensation act ..... \*581
- See *Husband and Wife*
- Insufficient damages: compromise verdict ..... 458
- Mistake in transmission of message by telegraph company: alternative of performance of contract ..... \*366
- Mitigation: "duty" to mitigate \*130
- Non-financial damage: auto used wholly for pleasure purposes 922
- Personal injuries: loss of earning power: profits from business ..... 565
- Sales: cancellation of order by buyer: seller delivered for shipment: contract price recovered ..... 689
- Unliquidated damages for fraud of partner not provable against his personal estate in bankruptcy ..... 455

- Vexation or inconvenience: removal of telephone by mistake \*698  
 Wrongful death: funeral expenses: not allowed ..... \*472  
   Interest: date of death to time of verdict: not allowed: loss of support is the test ..... \*472
- Dangerous Articles**  
   See *Negligence*  
   See *Torts*
- Death Statutes**  
   See *Conflict of Laws*
- Debts**  
   Application of payments: instructions ..... 121  
   See *Consideration, Antecedent Debt*
- Debtors**  
   See *Attachment*
- Deceit**  
   See *Fraud*
- Declaratory Judgment**  
   Advantage of: in determining relations resulting from separation agreement ..... 120  
   Construction of contract before breach ..... 546, \*578  
   Injunction in labor cases: as substitute for ..... 347  
   Power of court to render decree against prospective plaintiff at suit of prospective defendant ..... 545  
   Power of court to render: New York Practice Act ..... 908
- Dedication**  
   See *Real Property*
- Deeds**  
   See under *Conveyances*  
   Construction: see *Contracts, Construction*
- Deeds of Trust**  
   See *Taxation, Inheritance Tax*
- Delivery**  
   See *Conveyances, Deeds*
- Defence of Realm Act**  
   See *Sales*
- Definitions**  
   Liability: condition of being exposed to upbringing of obligation ..... 918  
   Strike: does not include quitting without intent to return ..... 922  
   Trade: does not cover news service, in newspapers or news reels ..... 450  
   See under *specific heads*
- Deportation**  
   See *Aliens*
- Directors**  
   See *Private Corporations*
- Disbarment**  
   See *Attorneys*
- Discounts**  
   See *Usury*
- Disseisin**  
   See *Real Property*
- Divorce**  
   See *Marriage and Divorce*
- Doctors**  
   See *Physicians*
- Domestic Animals**  
   See *Torts, Animals*
- Domicil**  
   See *Conflict of Laws*
- Dower**  
   See *Husband and Wife*  
   See under *Real Property*  
   See *Judgments, Res Judicata*
- Due Process**  
   See under *Constitutional Law*
- Dying Declarations**  
   See *Evidence*
- Easements and Profits**  
   Appurtenant and in gross: analysis ..... 218, \*247  
   Easements: franchise as "servient tenement": rights of easement holder on obstruction or termination ..... 431, \*470  
   Profits *a prendre*: privilege of taking and selling spring water: subsequent legislation \*696  
   See *Real Property, Gas*
- Ejectment**  
   Lease by co-tenant: ejectment not proper remedy ..... \*248
- Elections**  
   See *Equity*
- Emblements**  
   See *Leases*
- Eminent Domain**  
   See *Constitutional Law*
- Employee**  
   Infant: see *Negligence, Contributory Negligence*  
   See *Workmen's Compensation*
- Equitable Servitudes**  
   See *Real Property*
- Equity**  
   Balance of convenience: injunction which would precipitate harbor tie-up refused ..... 792  
   Bill of discovery: record of profits from infringement of patent: denied ..... \*472  
   Coalescence with law ..... 222  
   Enforcement of accords executory: agreement to renew note: equitable defence ..... 924  
   Enforcement of contract to devise ..... 126  
   Equitable conversion: application: tax on foreign realty: other instances ..... 808  
   Extraterritorial effect of decree: divorce and conveyance of land ..... 119  
   See *Judgments*  
   Fraud in procurement of judgment abroad: injunction against enforcement ..... 278  
   See *Injunctions*  
   Jurisdiction: separation agree-

ment: power to create primary right ..... 120  
 Public elections: power of equity over ..... 655, \*694  
 Quieting title: agreement to renew lease not cloud on title .. \*937  
 Receivers: appointed under general equity power to sell food illegally stored ..... 913  
 See *Specific Performance*  
**Escheat**  
 See *Real Property*  
**Escrow**  
 See *Conveyances, Deeds*  
**Estates**  
 See *Wills and Administration*  
**Estoppel**  
 Actions *ex delicto*: no reliance: no liability by estoppel for acts of one appearing as agent .... \*470  
 Dedication of land based on estoppel: opposition to the theory ..... 461  
 See *Municipal Corporations*  
 See *Offer and Acceptance*  
**Evidence**  
 Acquittal of penal charge admissible in civil action of forfeiture ..... \*131  
 Character of co-conspirator: relevancy ..... \*131  
 Dying declarations: credibility question for jury: admissibility ..... \*814  
 Expert testimony: basis of opinion ..... 232  
 Footprints: admissibility to prove identity ..... 233  
 Hearsay: statements through an interpreter ..... 459  
 Hinton's *Cases* ..... 818  
 Judicial notice of city ordinance on appeal from municipal courts ..... 460  
 Malicious prosecution: abandonment of suit relevant as showing lack of probable cause in malicious prosecution 325, \*364, \*474  
 Parol evidence rule: rebuttal of "presumptions" in interpretation of conveyances: way of necessity ..... 665, \*694  
 Parol evidence rule: written contract: conditional delivery ..... \*813  
 See *Pleading, Account Stated*  
 Post-testamentary declarations: admissibility: theories of exceptions to hearsay rule ..... 681  
 Presumptions: alteration of instruments ..... 355  
 As evidence: burden of proof ..... \*133, \*694, \*941  
 In interpretation of writings: classes: rebuttal by parol 665, \*694  
 Malicious prosecution: probable cause: conviction later reversed ..... 325, \*364  
 Statutes of sister states ..... \*364

Privileged communication: juvenile court judge ..... 356  
 "Real" evidence ..... 705-717  
 Definitions adopted ..... 705  
 Evidence from things as distinct from persons ..... 705  
 Material objects produced for the inspection of the court.. 712  
 Perception by the court as distinct from the facts perceived ..... 714  
*Res gestae*: spontaneous exclamation theory ..... \*814  
 Self incrimination: comparison of footprints ..... 233  
 Undue influence: burden of proof not satisfied by mere proof of opportunity to exercise undue influence ..... \*941  
 Witnesses: child: memory: distinctness goes to weight .. \*695  
**Ex post facto Laws**  
 See *International Law, Proposed Trial*  
**Examination of Jurors**  
 See *Trial*  
**Executors and Administrators**  
 Ancillary administration not chargeable with expenses of domiciliary administration ... 356  
 Attorney's fees: contingent: liability of executor ..... 242  
 Claims against estate: third party beneficiaries to agreement with testatrix, not enforceable in testator's life: valid claim ..... \*364  
 See *Taxation, Inheritance*  
 See *Trusts, Trustees and Executors*  
**Expectancy**  
 See *Wills*  
**Expert Testimony**  
 See *Evidence*  
**Expressio Unius**  
 See *Statutes, Construction*  
**False Advertising**  
 See *Unfair Competition*  
**False Pretenses**  
 See *Criminal Law*  
**Federal Employers' Liability Act**  
 See *Admiralty*  
 See *Pleading, Misjoinder*  
**Federal Estate Tax**  
 See *Taxation, Inheritance*  
**Federal Trade Commission**  
 Powers in export and foreign trade: see *Webb-Pomerene Law*  
 See *Unfair Competition*  
**Feudalism**  
 See *Jurisprudence, Individualism*  
**Fire Insurance**  
 Knowledge of soliciting agent of general agent of insurance company of lack of sole



- ownership: waiver of condition ..... 795  
 Vacancy clause: building unoccupied when policy issued .... \*131
- Firm or Trade Name**  
 See *Contracts, Illegality*
- Fixtures**  
 See *Leases*
- Footprints**  
 See *Evidence*
- Foreclosure**  
 See *Mortgages*
- Foreign Corporations**  
 Service on agent after withdrawal of corporation in suit not arising out of business in state ..... 554
- Foreign Decrees**  
 See *Equity*  
 See *Judgments*
- Foreign Law**  
 See *Comparative Law*
- Forfeiture**  
 See *Evidence, Acquittal*  
 See *Private Corporations*
- Franchises**  
 Canal: easements of abutting owners: legal effect of termination of franchise ..... 431, \*470  
 Contracts of: impairment: see *Constitutional Law*  
 Regulating franchise rates ..... 589-605  
 Privilege and power of state to make contract: protected by Constitution against impairment ..... 589  
 State may restrict police power by contract ..... 590  
 Legislative power to fix rates: part of police power ..... 591  
 Presumption against abrogation by contract of governmental power over rates ... 592  
 Impairment of rate contract: by ordinance: federal question ..... 593  
*Chicago & Alton R. R. v. Tranbarger*: comment upon ..... 594  
 Contract between municipality and utility: threatened impairment by state ..... 596  
 Possible subject-matter .... 600  
*Worcester v. Street Railway Co.*: comment upon ..... 601  
 Public utility commissions: best fitted to deal with rate regulation ..... 605
- Fraud**  
 See *Agency*  
 See *Bankruptcy, Provable Claims*  
 See *Leases*  
 See *Marriages and Divorce*  
 Misrepresentation of future and present facts: promissory statements: intent not to perform ..... 928  
 See *Releases, Rescission*  
 Statute of limitations which had run against wrongful death no bar to action in deceit ..... 239  
 See *Unfair Competition*
- Fraudulent Transfer**  
 See *Private Corporations, Stockholders*
- Freedom of Speech and Press**  
 Calumny of the motive of authority: punishment constitutional ..... 677  
 See *Copyright and Press Control*  
 Effect of war and peace on interpretation and administration of Espionage Act .... 107  
 Limits in law and in policy on its restriction ..... 337  
 Power of government over speech and press ..... 410-428  
 History of First Amendment ..... 410  
 The Amendment a limitation on all other federal powers ..... 413, 420  
 History of treason ..... 414  
 In the United States ..... 417  
 Extent of immunity for speech ..... 423  
 See *Sedition*
- Full Faith and Credit**  
 See *Judgments*
- Funeral Expenses**  
 See *Damages, Wrongful Death*
- Gambling**  
 See *Contracts, Illegality*
- Gas**  
 See *Interstate Commerce*  
 See *Oil and Gas*
- General Denial**  
 See *Pleading*
- Gifts**  
 See *Contracts, Antenuptial Agreement to Bequeath*  
 See *Conveyances*  
 See *Statute of Frauds, Parol*  
 See *Taxation, Inheritance Tax*  
 Revocation by father as natural guardian ..... 566
- Good Will**  
 See *Contracts, Illegality*
- Government**  
 See *Carriers, Government Control, U. S. Mail*  
 See *Judiciary*  
 Conversion: suit against United States ..... 125  
 Immunity from suits: applied to tort by corporation in which United States owned all stock ..... 664  
 Immunity from suit: governmental control of telegraphs... 566  
 Liability: nation distinguished from municipality as to possibility of duty to indemnify.. 911  
 Political department: termination of wars ..... 113  
 Theory: separation of governmental powers ..... 369-393  
 Legislative power ..... 374

- Judicial power ..... 378  
 Administrative power ..... 382  
 American democracy *versus*  
   Prussian Marxism: Birds-  
   eye on ..... 817  
 State and nation: Jenks on.. 585
- Government Control**  
   See *Carriers*
- Guaranty**  
   See *Suretyship*
- Guardian and Ward**  
   See *Persons*
- Harter Act**  
   See *Admiralty*
- Health Commissioner**  
   See *Administrative Law, Police*  
   *Power*
- Hearsay**  
   See *Evidence*
- Hereditaments**  
   See *Real Property, Equitable*  
   *Servitudes*
- Highways**  
   "Right of way": sleds: coast-  
   ing not nuisance *per se* ..... \*815  
   See *Torts, Animals*
- History of Law**  
   See *Legal History*
- Holographic Will**  
   See under *Wills*
- Homicide**  
   See *Criminal Law*
- Husband and Wife**  
   Alienation of affections: abate-  
   ment of action by death of  
   plaintiff ..... \*816  
   Contracts between: may not  
   cover release of dower in-  
   terest ..... 453  
   Crimes by wife: no presump-  
   tion of coercion by husband.. 802  
   Damages by husband driving  
   wife's automobile: duty of  
   wife to pay ..... 467  
   Desertion: social background  
   of: Colcord on ..... 819  
   Dower: see *Judgments, Res*  
   *Judicata*  
   See *supra, Contracts*  
   See under *Real Property*  
   Husband's contributory negli-  
   gence no bar to wife's suit ... 454  
   See *Marriage and Divorce*  
   Married woman's capacity to  
   contract: *lex loci solutionis* as  
   determining ..... 451
- Idem Sonans**  
   Service by publication ..... 572
- Impeachment of Verdict**  
   See *Trial*
- Immunities**  
   See *Government*
- Income Tax**  
   See under *Taxation*
- Infants**  
   See *Evidence, Witness*  
   See *Negligence, Contributory*
- Inheritance Tax**  
   See under *Taxation*
- Injunctions**  
   Adjacent landowner enjoined  
   from wasting percolating wa-  
   ters ..... 931  
   See *Labor Unions*  
   Personal rights: restraining de-  
   fendant who had debauched  
   plaintiff's minor daughter  
   from associating with her ... 344  
   Seizure of goods and prosecu-  
   tions under War Time Pro-  
   hibition Act ..... 113  
   See *Unfair Competition*
- Injuries**  
   See *Damages*
- In Pari Delicto**  
   See *Torts*
- Insanity**  
   See under *Persons*
- Insolvency**  
   See *Receivers*
- Installments**  
   See *Mortgages*
- Insurance**  
   See *Fire Insurance*  
   See *Life Insurance*  
   Public calling: privilege of re-  
   jecting risks ..... 674 n.  
   See *Trial, Juror Examination*
- Intent**  
   See *Criminal Law, Murder,*  
   *Rape*
- Interest**  
   See *Damages, Wrongful Death*
- Internal Revenue Law**  
   See *Taxation, Income Tax*
- International Intermediary**  
   Institute ..... 209
- International Law**  
   See *Aliens*  
   Brigandage against aliens: due  
   diligence as test of govern-  
   ment's responsibility ..... 333  
   See *Citizenship*  
   Conflict of laws: a true branch  
   of international law: Jitta .. 700  
   Corporate entity in: disregard  
   of by belligerents ..... \*772, \*815  
   League of Nations: diminution  
   of sovereignty: Stallybrass on 136  
   See *Prize*  
   Proposed trial of the former  
   Kaiser ..... 75-82  
   International morality ..... 75  
   Person not punishable for act  
   which was not subject to  
   punishment when committed 75  
   Bills of attainder and *ex post*  
   *facto* laws ..... 77  
   Bill of attainder: definition.. 77  
   Signatory powers: power to  
   entertain jurisdiction of a  
   breach of international law 77  
   Constitutional difficulties to  
   the United States participat-

ing in a trial of the former Kaiser .....	78	foreign laws and foreign judgments .....	188
Asylum in Holland no obstacle to maintaining a prosecution .....	82	Efforts to have foreign judgments enforced and recognized through international conventions .....	189
Recent problems in: Smith ....	702	Anglo-American system of enforcing American judgments abroad .....	192
Stability of rules: Treaty of Versailles .....	704	Continental system of enforcing American judgments abroad .....	192
Treaties: as extending federal jurisdiction over fields otherwise wholly within state jurisdiction: migratory birds: rights of aliens .....	445, *474	Refusal to enforce foreign judgments in the absence of treaty .....	193
<b>Interpretation</b>		If the plaintiff or defendant is a subject of such country .....	194
See under <i>Construction, passim</i>		Enforcement without the requirement of reciprocity ...	194
<b>Interpreters</b>		Countries which require reciprocity .....	199
See <i>Evidence, Hearsay</i>		Finality and binding nature of judgment .....	268
<b>Interstate Commerce</b>		Jurisdiction of the foreign court .....	269
Carriers: limitation of liability: persons riding on passes: what is interstate commerce .....	803	Meaning of term jurisdiction	271
Foreign commerce: regulation of unfair competition: criminal statute with extraterritorial effect: Webb-Pomerene law .....	29-45	Service of summons and appearance: a condition precedent to the enforcement of foreign judgments .....	276
Gas rates: state regulation: gas pumped from one state direct to consumers of another ....	926	Fraud is a defence to an action on a foreign judgment in England .....	278
Reed Amendment: transportation in private auto for personal use .....	922	Mistake is not a defence in England .....	278
State regulations: effect: width of car platforms ordered by Public Service Commission ..	456	Courts of equity in England may enjoin the execution of all judgments, domestic and foreign, in case of fraud, mistake, accident or surprise	279
See <i>Telegraphs and Telephones</i>		Public policy as reason for refusal to enforce .....	279
<b>Interstate Toll Bridges</b>		Special conditions: judgments by default .....	281
See <i>Conflict of Laws</i>		Personal actions .....	281
<b>Intervening Agencies</b>		Validity of cause of action..	281
See <i>Negligence</i>		Principal provisions of the different countries relating to the enforcement of foreign judgments .....	283-302
<b>Intoxication</b>		Foreign decrees: divorce: <i>ex parte</i> : limit on New York's non-recognition .....	679
See <i>Criminal Law, Murder</i>		Divorce and conveyance of land: effect at situs .....	119
<b>Joint Bank Account</b>		For custody of children: limits on recognition .....	224
Death of one joint owner does not effect "transfer" to survivor	465	<i>Ex parte</i> : of voidity of attorney's lien for champerty: non-recognition .....	679
<b>Joint Obligors</b>		Full faith and credit in another state: statutes of that state..	*812
See <i>Limitation of Actions, Tolling Statute</i>		Jurisdiction .....	567
See <i>Suretyship</i>		Relief by insane ward where entered on admission by guardian <i>ad litem</i> .....	*247
<b>Joint Tort-Feasors</b>		<i>Res judicata</i> : later existing	
Contribution among .....	910		
Release of one: for partial satisfaction: reservation of rights against others .....	909		
<b>Judges</b>			
Communications to judge of juvenile court not privileged ...	356		
See <i>Mandamus</i>			
<b>Judgments</b>			
Effect despite reversal: evidence of probable cause in malicious prosecution .....	325, *364		
Effect of an adverse possession: see <i>Adverse Possession</i>			
Enforcement of American judgments abroad .....	188-208, 268-302		
Difference in enforcement of			

- rights: effect: dower rights:  
widow's award ..... \*472
- Stare decisis: res judicata*: law  
governing each case ..... 568
- Judicial Notice**  
See *Evidence*
- Judiciary**  
See *Equity, Public Elections*  
War powers: political depart-  
ment: interference ..... 113
- Jurisdiction**  
See *Admiralty*  
See *Constitutional Law*  
See *Courts*  
See *Equity, Extraterritorial Ef-  
fect of Decree*  
See *Judgments*
- Jurisprudence**  
Austrian theory: criticized:  
Harrison and Lefroy ..... 250  
Common law and statutes, the 516-522  
Gradual substitution of statu-  
tory for customary rules in  
private law ..... 516  
Difference between statutory  
law in the United States and  
written law of other West-  
ern countries ..... 516-522  
Establishment in England of  
binding nature of precedent 517  
American codes interpreted as  
amendments of the common  
law ..... 518  
Statutes: rules governing con-  
struction ..... 519  
*Stare decisis*: prevents con-  
struction of laws in the light  
of logic ..... 522  
Comparative: see *Comparative  
Law*
- Crisis of modern jurisprudence 312-320  
Modern questioning of legal  
fundamentals ..... 312  
Sociological bases of law:  
Ehrlich ..... 313  
Economic requirements: mold-  
ing of law by custom and  
contract ..... 313  
Practice, domination, posses-  
sion and agreement ..... 315  
Importance of ethnology in  
legal study ..... 318  
Present state of sociological  
jurisprudence ..... 319  
Custom: relation to law: Sad-  
ler ..... 368  
Growth of law: the part of  
judges, writers, legislators,  
the community ..... 85  
Hohfeld's fundamental concep-  
tions ..... 84  
Individualism and realism .....  
..... 523-538, 643-653  
Natural law: conformity to a  
type of civilization toward  
which man is demonstrably  
developing ..... 523  
Principles thereof ..... 526
- Moral personality of the state:  
objective existence of the  
group *qua* group ..... 531  
Moral personality in fact and  
in law: state's capacity for  
rights not fictional ..... 535  
Relation of law and state .... 537  
National sovereignty: not a  
feudal survival, but a new  
creator: Duguit's view re-  
futed ..... 643  
Sovereignty defined in its rela-  
tion to individuals: sov-  
ereignty not absolute ..... 649  
Obligations of the state ..... 652  
Interests underlying rights: ex-  
tension: auto used wholly for  
pleasure purposes: damage re-  
covered ..... 922  
Interests underlying rights: ex-  
tension of the interest legally  
recognized ..... 344  
See *Law and Evolution*  
Legal persons: inadequacy of  
theory of corporate entity ... 659  
Presumptions in interpretation  
of writings: classes: how far  
related to probable intent .... 665  
Quasi-contract, tort and con-  
tract: "implied warranties" .. 782  
State and nation: Jenks ..... 585  
Title: analyzed and distin-  
guished from power to trans-  
fer title ..... 429, \*474
- Jury and Jurors**  
See *Constitutional Law*  
See *Courts*  
See *Trial*
- Kaiser, Former, Proposed Trial of**  
See *International Law*
- Labor Unions**  
Boycotts: force an essential ele-  
ment: injunction ..... 120  
Refusal by irregular employ-  
ees of carrier to handle  
freight trucked by non-union  
men ..... 791  
Strike: does not cover concerted  
quitting without intent to re-  
turn ..... 922  
Unlawful: to force on em-  
ployer contract tending to  
labor monopoly ..... 790
- Landlord and Tenant**  
See *Leases*
- Larceny**  
See *Criminal Law*
- Last Clear Chance**  
See *Negligence*
- Law and Evolution** ..... 394-400  
Definition of law ..... 394  
Change through interpretation:  
an organic growth ..... 394  
Evolution in law: the element of  
human purpose ..... 396

**Law Journal**

Policy: accurate analysis, and study and aid of law's development ..... 83

**Law School, 1919-1920** ..... 85

**Lawsuits**

Settlement out of court, i. e., without knowledge of attorneys: effect on attorney's lien ..... 111

**League of Nations**

See *International Intermediary Institute*

See *International Law*

**Leases**

See *Bankruptcy*

Emblements: proof of custom at expiration of lease ..... 803

Fixtures: new lease: effect on privilege of removal ..... 930

Fraud in procurement: defence for non-payment of rent: rescission ..... \*695

Improvements by tenant: compensation: increase of rental value ..... 357

See *Options*

See *Statute of Frauds, Oral Contracts*

Subleases: assignment: differences: covenant to sublet doesn't prevent assignment .. 568

Tenants in common: lease by one and administratrix of another ..... \*248

**Legacies**

See *Wills*

**Legal Ethics**

See *Attorneys*

**Legal History**

King's Council: select cases before: Selden Society ..... 582

Sovereignty: see under *Jurisprudence, Individualism*

**Legitimation**

See *Conflict of Laws*

**Libel and Slander**

Secondary publication: distribution of copies: exhibition of original ..... 239

Trade publications: cautionary headings on black lists ..... 691

Privilege: witnesses ..... \*579

**Licensees**

Railroads' duties to those walking on tracks: last clear chance ..... \*697

**Liens**

Mechanics' liens: payment by owner applied to previously existing debt ..... 121

Instructions of application of payment: lack of ..... 121

Priority as consideration ..... 116

Taxes: statutes permitting payment of taxes to protect lien ..... 122

**Life Insurance**

"Accidental means": a prick by scarf pin followed by infection ..... \*365

Assignments of policy: to one without insurable interest ... \*695

Exemption clause: death while engaged in military service .. \*938

**Limitation of Actions**

See *Fraud*

Limitation against prescription: revival of debt by statute after debt barred: policy same as with prescription of chattel ..... 91, \*129

See *Pleading, Amendments*

Revival of debt barred by statute ..... \*939

Revival: acknowledgment: new promise: identity: newspaper publication ..... 237

Revival by new promise: when possible ..... 95 n.

Tolling statute: joint obligors: payment by personal representatives ..... 804

See *Wrongful Death Statute, Period of Suit*

**Loans**

See *Consideration*

See *Mortgages*

See *Usury*

**Lotteries**

See *Criminal Law*

**Lynching**

See *Trial*

**Malicious Prosecution**

Privileged: perjured testimony before grand jury not privileged ..... 106

Probable cause: abandonment of suit as evidence of lack of probable cause ..... \*474

Belief of defendant of plaintiff's guilt ..... \*815

Conviction later reversed .. 325, \*364

**Mandamus**

Issuance of diploma compelled by *mandamus* ..... 358

Judge forced to give certificate of disqualification ..... \*365

Public service corporations: financial inability prevents issuance of writ ..... 359

**Marriage and Divorce**

Annulment: alimony *pendente lite* and counsel fees: suit by relatives of deceased husband ..... 569

Annulment: fraud: unchastity.. \*365

Annulment: hereditary chronic tuberculosis ..... 225

Parties in *pari delicto*: petitioner knew at marriage she was lawful wife of another ..... 929

Sought by husband who had instigated wife's prior *ex parte* divorce ..... 679

Cruelty: abusive names: indifference ..... \*816

- Custody of children: foreign decree conclusive only as regards the time when rendered **224**  
 Digest of American marriage laws: Hall and Brooke **819**  
 See *Equity, Extraterritorial Effect of Decree*  
 See *Husband and Wife*  
 Marriage: undivorced living wife: removal of impediment: presumption **\*132**  
 See under *Equity, Jurisdiction, Separation Agreement*  
**Married Woman's Property Act**  
 See *Husband and Wife*  
**Marshall, John**  
 Beveridge on **586**  
**Marxism**  
 See *Socialism*  
**Master and Servant**  
 See *Agency*  
 See *Pleading, Misjoinder*  
**Materialmen**  
 See *Liens, Mechanics' Liens*  
 Bonds: see *Contracts, Beneficiaries*  
**Mechanics' Liens**  
 See *Liens*  
**Memorandum**  
 See *Statute of Frauds*  
**Merger**  
 Common-law and equitable doctrines compared: application to business trusts **97, \*132**  
**Mesne Profits**  
 See *Real Property, Disseisin*  
**Migratory Birds**  
 See *Constitutional Law, Treaty-Making*  
**Mines and Minerals**  
 See *Oil and Gas*  
**Misrepresentations**  
 See *Fraud*  
 See *Unfair Competition*  
**Mistake**  
 See *Quasi-Contracts*  
**Mitigation of Damages**  
 See *Damages*  
**Money in the Law of Commercial Instruments, Theory of**  
 ..... **606-624**  
 Commercial instruments: definition ..... **606**  
 "To pay": meaning of ..... **607**  
 "Money": what is ..... **608**  
 Foreign money: instruments payable in ..... **619**  
 Effect of N. I. L. on instruments payable in foreign money ..... **621**  
 Effect of specifying a particular kind of money in a commercial instrument ..... **623**  
**Monopolies**  
 Sherman Act: refusal to sell to customers who cut prices .... **\*365**  
 Resale prices imposed by contract with customers unlawful ..... **\*696**  
 Storage of food to increase price illegal: receiver appointed to sell ..... **913**  
 See *Unfair Competition*  
**Monuments, Public, Gifts for** .. **729-734**  
 Not charitable trusts ..... **729**  
 Meaning of "monument": covers building ..... **730**  
 Relation to rule against perpetuities ..... **732**  
 Capacity of municipal corporation to take ..... **732**  
 Yale University: a monument **734**  
**Mores**  
 Manifestation in current cases.. **106**  
 Relation to law ..... **83**  
**Mortgages**  
 Installment mortgages: default in payments: option given: exercise of power thereunder **683**  
 Chattel: as covering photographs of abstract books mortgaged ..... **348**  
 Redemption: lien for taxes paid by holder ..... **122**  
 Unrecorded mortgages released for new mortgage: not obtaining something of value: not false pretenses ..... **801**  
 Usurious rate of interest: foreclosure: effect on purchaser's title ..... **123**  
**Motive**  
 Of jurors, legislators, commissioners, members of county boards: does not affect validity of acts ..... **229**  
**Moving Pictures**  
 See *Privacy*  
**Municipal Corporations**  
 See *Administrative Law*  
 Debts: installments: present debt: constitutional limitation **\*364**  
 Estoppel: acquiescence to construction of tracks: crossing: nuisance: danger to life .... **681**  
 See *Franchises*  
 Invalid bonds: liability of municipal corporation to holders .. **455**  
 Ministerial and governmental acts: hose-truck negligently driven by fireman: recovery allowed ..... **911**  
 See *Monuments, Public*  
 Officers: term of office: resignation officers: disabilities attached: personal or official .. **118**  
 Charters: powers conferred by charter: construction of bridges, etc. .... **570**  
 Railroad crossings: duty to pay expenses and damage ..... **570**  
 Repairs and conditions of streets **117**  
 Tort liability: obstruction of sidewalk ..... **\*129**  
 Unlawful use of city streets .. **117**

**Municipal Ordinances**See *Evidence, Judicial Notice***Murder**See *Criminal Law***Mussels**See *Property***Mutuality**See *Specific Performance***National Banking Act**See *Banks and Banking***Natural Guardians**See *Persons***Naturalization**See *Citizenship***Negligence**

Contributory: of husband: no bar to wife's suit ..... 454

Negligence by both parties to moment of accident: last clear chance ..... \*245

Infant employed in violation of statute ..... 234

Infants: test of infants' contributory negligence: age of child ..... 684

Obedience to orders by soldier resulting in injury ..... 235

Policy underlying: weakness of rule: tempering by last clear chance: apportioned damages a fairer result..896, \*940

Statute making question wholly for jury constitutional ....225, 454

Last clear chance: development and limits of doctrine .....896, \*940

Licensee: duty of railroad to those on its tracks ..... \*697

Properly a phase of proximate cause .....542, \*580

Physicians and surgeons: degree of care and skill required: test: schools of practice ..... 684

Proximate cause: intervening agency: inherently dangerous article ..... \*246

Public accountants: reliance by third party on erroneous audits ..... 234

Railroad trains: failure to slow down or sound warning on sight of animal: bull ..... 555

*Res ipsa loquitur*: burden of proof: presumptions ..... 805

Vehicles and pedestrians: rights and duties to each other ..... \*246

**Negotiable Instruments**See *Bills and Notes***Newspapers**

Privilege to print news only in part: and to discontinue departments at will ..... 920

**New Trial**See *Trial***Next of Kin**See *Wills, Interpretation***Non-Residents**See *Constitutional Law, Privilege and Immunities Clause*See *Taxation, Inheritance Tax***Notary Public**See *Administrative Law***Notice**See *Agency, Payment of Money to Principal*

Cancellation of contracts ..... 115

See *Damages, Consequential*

Limitation of liability printed on back of claim checks ..... 562

See *Suretyship, Guaranty***Nuisance**Coasting on sled is not *per se* .. \*815

Morgue in residential district: "comfortable enjoyment of property" ..... \*366

Permanent nature: successive actions: dust from cement factory ..... 240

Public danger: railroad crossings: unlawful use of property ..... 681

**Nunc Pro Tunc**

Correction of specification of sovereign in naturalization proceedings ..... 560

**Offer and Acceptance**

Failure of offeree's soliciting agent to transmit offer: as tort .....673, \*693

Guaranty: acceptance: notice.. 238

Offer: act for promise: broker offering services already fully performed for promise to pay commission .....767, \*813

Creation of and revocability of power of acceptance .... 943

Irrevocable: operative facts and resulting legal relations: Corbin's Anson ..... 136

Rejection: subsequent acceptance communicated before communication of rejection 944

See *Options*

Silence of seller soliciting an order as acceptance .....441, \*471

See *Telegraphs and Telephones***Oil and Gas**

Gas lease: regulation: lessor's free use of natural gas ..... \*247

Interference by abandoned well with live well .....213, \*245

**Options**

Exercise of power given by default in payment of installment mortgage ..... 683

Future delivery: illegality: gaming contracts ..... 927

Rule against perpetuities: options and rights of preemption not vested interests within rule: *quære* as to option attached to leasehold interest 87, \*132

**Oral Contracts**  
 See *Statute of Frauds*

**Orders**  
 See *Army and Navy*

**Ordinances**  
 See *Administrative Law*

**Parent and Child**  
 See *Persons, Natural Guardian*

**Parol Evidence Rule**  
 See *Evidence*  
 See *Conveyances, Deeds*

**Part Performance**  
 See under *Specific Performance*

**Partition**  
 Remedy for lease by one co-tenant ..... \*248

**Partnership**  
 Unliquidated damages for fraud: not provable against individual estate of partner in bankruptcy ..... 455

**Passengers**  
 See *Carriers*

**Past Consideration**  
 See *Consideration*

**Patents**  
 Distinguished from trade-marks ..... 305

**Payments**  
 See *Bankruptcy, Preferences*  
 Effect: see *Liens, Instructions*  
 See *Statute of Limitations, Polling Statute*  
 Negotiable instrument as payment: post-dated check ..... 324

**Peace**  
 See *War, Termination*

**Pedestrians**  
 See *Negligence*

**Perpetuities, Rule Against**  
 See *Monuments, Public*  
 Options and rights of preëmp-  
 tion not "vested" interests:  
 where test is that of remote-  
 ness ..... 87, \*132  
 See *Trusts, Charitable Gifts*

**Personal Property**  
 See *Property*  
 See under *specific heads*

**Persons**  
 See *Executors and Administra-  
 tors*  
 See *Husband and Wife*  
 Infants: see *Negligence, Con-  
 tributory Negligence*  
 Insanity: guardians *ad litem*:  
 admissions by same not bind-  
 ing on ward ..... \*247  
 Insane persons: contracts:  
 deeds: effect: *bona fide* pur-  
 chasers ..... 930  
 See *Marriage and Divorce*  
 Natural guardian: father: re-  
 vocation of gift: deposit in  
 bank ..... 566

**Physicians**  
 Medical associations: refusal to  
 aid osteopath ..... 809

See *Negligence*  
 Prescriptions: use by third par-  
 ties ..... 234

**Pleading**  
 See *Abatement*  
 Account stated: general denial:  
 evidence admissible to rebut  
 promise to pay ..... 460  
 Amendments: after period of  
 limitation of actions: stating  
 new cause of action: tests .. 685  
 Misnomer of parties: service  
 intended defendants ..... 571  
 Code pleading: New York  
 Practice Act, 1920 ..... 904  
 Misjoinder of parties defendant:  
 master and servant: federal  
 employer's liability act ..... 806  
 Wrongful death statute: statu-  
 tory period of limitation: con-  
 dition precedent or limitation 572

**Police Power**  
 See *Administrative Law*  
 See *Constitutional Law, Due  
 Process*

**Political Department**  
 See under *Equity*  
 See *Government*

**Political Theory**  
 See *Government*

**Post Testamentary Declarations**  
 See *Evidence*

**Practice**  
 New York Practice Act, 1920 .. 904  
 See *Pleading*  
 See under *specific heads*

**Pre-Existing Duty**  
 See *Consideration, Antecedent  
 Debt*

**Preferences**  
 See under *Bankruptcy*

**Press, Freedom of**  
 See *Constitutional Law, Free  
 Speech*  
 See *Copyright and Press Control*

**Presumptions**  
 Cohabitation: after death of un-  
 divorced wife ..... \*132  
 See *Evidence*  
 See *Husband and Wife, Crimes  
 by Wife*  
 See *Negligence, Res Ipsa Lo-  
 quitur*  
 Waiver of power to rescind:  
 conclusive if not exercised  
 soon after discovery of fraud 807

**Preventative Relief**  
 See *Declaratory Judgment*  
 See *Injunctions*

**Principal and Agent**  
 See *Agency*

**Priority**  
 See *Liens*  
 Subsequent creditors get no  
 priority over holders of re-  
 corded bonds issued for pay-  
 ment of purchase of its own  
 stock by corporation ..... \*129



**Privacy, Right of**

Moving pictures: reproduction of plaintiff's picture: use in news reel not "for purposes of trade" ..... 450

**Private Corporations**

By-laws: restriction of transfer of stock ..... 352

Directors: not liable for contracts made between forfeiture and reinstatement ..... \*130

Entity theory: disregard of in international law, by belligerents ..... 772, \*815

Disregarded: suit in tort against corporation in which United States own stock ... 664

Inadequacy ..... 659

See *Monopolies*

Service on agent: business within state ..... 567

Stock: purchase by corporation of own stock ..... \*129

Transfer: see under *Taxation*

Stockholders' common-law liability for corporate debts: relation to law of fraudulent transfers ..... 659, \*694

Subsidiary and dummy corporations: debts: transfer of assets as basis of principal corporation's liability ..... 662

Suit by corporation as beneficiary on promise to sole stockholder ..... 790

Suit by non-resident corporations: citizens ..... 457

Taxation: separate classification of corporations ..... 627

**Private International Law**

See *Conflict of Laws*

**Privilege and Immunities Clause**

See under *Constitutional Law*

**Privilege**

See *Evidence*

See *Libel and Slander*

**Prize**

Enemy owner: corporation: test of enemy character: place of incorporation, control, ultimate stock ownership ..... 772, \*815

**Probate**

See *Wills, Contestable Interests*

**Procedure**

See *Real Property*

See *Service by Publication*

See *Trial*

**Profits**

See *Damages, Personal Injuries*

**Profits a Prendre**

See *Easements and Profits*

**Prohibition**

See *Constitutional Law*

See *War Powers*

**Property**

Abstract books: mortgage of, as covering photographic copies.. 348

See *Adverse Possession*

See *Conflict of Laws*

See *Conveyance*

See *Easements and Profits*

See *Leases*

Mussels and shellfish not realty 237

Nature: analogy of ownership of *res* to that of *chose* in action ..... 92

Includes anything which may have economic value ..... 435

Rights and privileges of adjoining owners in fluid minerals ..... 213

See *Oil and Gas*

See *Real Property*

Seizure: methods: damages ... 564

Stock exchange seat: property incidents of ..... 916

See *Trade-Marks and Trade Names*

Transfer of: see *Conveyances*

**Prosecuting Attorneys**

See *Attorneys, Disbarment or Suspension*

**Proximate Cause**

See *Negligence*

**Public Accountants**

See *Negligence*

**Public Defender**

Necessity of: to do adequate justice ..... 475

**Public Officers and Officers**

See *Municipal Corporations*

**Public Policy**

See *Conflict of Laws, Public Policy*

Definition: judicial ..... 107

**Public Purposes**

See *Taxation*

**Public Service Commissioners**

See *Interstate Commerce, State Regulations*

**Public Service Corporations**

Banks: may contract against own negligence ..... 919

Carrier: no injunction against permitting irregular employees to refuse to handle goods trucked by non-union men ... 792

See *Carriers*

Conditions of rails and intervening space: relations of corporation ..... \*692

Insurance not a public calling .. 674 n.

See *Interstate Commerce*

See *Mandamus*

Newspapers: no obligation to print full news or maintain department once begun ..... 920

See *Telegraphs and Telephones*

Water company: assignment of contract for supply to city supplied: injunction against breach of assigned contract 547, \*578

**Publication**

See *Libel and Slander*

**Pursuit**

See *Criminal Law, Self Defence*

**Quasi-Contracts**

- Mistake as to existence of contract: unjust enrichment .... 687  
 See *Municipal Corporations, Invalid Bonds*  
 Taxes paid under void statute: recovery from tax collector .. 574  
 Unjust enrichment: suit against United States ..... 125  
 Voluntary services: liquidated compensation: unliquidated.. 686

**Quo Warranto**

- Determination of eligibility of appointee to hold office ..... 118  
 Removal of Attorney General.. 796

**Railroads**

- Animals on track: failure to slow down or sound warning: bull ..... 555  
 See *Carriers*  
 Crossings: see *Municipal Corporations*  
 Licensees: duty to those on tracks ..... \*697  
 See *Taxation, Assessments for Paving*

**Rape**

See *Criminal Law*

**"Real" Evidence**

See under *Evidence*

**Real Property**

- See *Adverse Possession*  
 Cloud on title: unenforceable deed ..... 236  
 Contracts to convey: see *Specific Performance*  
 Contracts to convey: see *Statute of Frauds*  
 See *Contracts, Construction*  
 Dedication to public: acceptance: recording plot of land 461  
 Disseisin: remedies of disseisee after ejectment ..... 541  
 Dower: conveyance without consideration before marriage: widow's award ..... \*472  
 See *Easements and Profits*  
 Equitable servitudes: hereditaments: statute of frauds: building restrictions ..... \*580  
 Escheat ..... 573  
 Gas lease: regulation: lessor's free use of natural gas ..... \*247  
 See *Leases*  
 Mussels and shellfish are not .. 237  
 See *Oil and Gas*  
 Overhanging boughs ..... 223  
 Percolating waters: diversion by adjacent land owner: waste by overflow ..... 931  
 See *Perpetuities*  
 Pollution of water-courses by joint tort-feasors ..... 935  
 Rights and privileges in land: Bigelow's *Cases* ..... 477  
 Surface waters: obstruction of natural flow: theories ..... 686

Tenants in common: lease by one and the administratrix of another co-tenant: ejectment not allowed: partition ..... \*248  
 See *Transfer of Conveyances*

Trial of title in a personal action ..... 539, \*579  
 See *Trusts*

Way of necessity: see *Conveyances*

**Receivers**

- Contingent and immature claims in receivership proceedings.. 481-496  
 Failure to file claim: not like the bar of the statute of limitations ..... 481  
 Contingent claim: definition.. 482  
 Immature claim: definition .. 482  
 Substantive rights against the insolvent corporation: distinguished from the legal and equitable rights of claimants to share in the assets which the court has in its possession ..... 482  
 Insolvency of corporation and appointment of a receiver: an anticipatory breach of executory contracts ..... 483  
 Contingent claims ..... 484  
 Rule governing contingent claims: not based on rule governing the payment of interest on claims ..... 486  
 Immature claims and service contracts ..... 489  
 Unliquidated claims ..... 491  
 Claims reduced to judgment subsequent to appointment of receiver ..... 493  
 Fixing a time for presentation of claims ..... 494  
 See *Equity*

**Recording Acts**

See *Conveyances*

**Records**

See *Trial*

**Redemption**

See *Mortgages*

**Reed Amendment**

Transportation: in private auto: for personal use ..... 922

**Referendum**

See *Constitutional Law, Amendments*

**Registration of Land**

See *Conveyances*

**Reinstatement**

See *Private Corporations*

**Release**

See *Joint Tort-Feasors*

**Rescissions**

Rescission for fraud: reasonable time: tender of consideration ..... 807

Rescission: fraud in the procurement: fraud in the consideration ..... 688

- Rent**  
See *Leases*
- Rescission**  
See *Leases, Fraud*  
See *Releases*  
See *Sales*
- Res Gestae**  
See *Evidence*
- Residents**  
See *Constitutional Law, Privilege and Immunities Clause*  
See *Taxation*
- Res Ipsa Loquitur**  
See *Negligence*
- Res Judicata**  
See *Conflict of Laws, Foreign Decree*  
See *Judgments*
- Restraint of Trade**  
See *Contracts, Illegality*  
See *Unfair Competition*
- Restraint on Alienation**  
See *Conveyances*  
See *Perpetuities*  
See *Trusts*
- Revocation**  
See *Conveyances*  
See *Gifts*  
See *Wills*
- Rights**  
Creation: no jurisdiction of equity to create primary rights 120
- Right of Preemption**  
See *Options*
- "Right of Way"**  
See *Highways*  
See *Taxation, Assessment for Paving*
- Rules of Court**  
New York Practice Act, 1920 .. 904
- Sales**  
See *Agency*  
Bulk Sales Act: stock of merchandise: restaurant: supplies \*473  
Cash sales: purchase on grain exchange ..... 346  
Defence of Realm Regulation: sale of ship with consent of comptroller ..... \*578  
See *Monopolies, Sherman Act*  
See *Mortgages, Redemption*  
Negotiable paper: see *Bills and Notes*  
Remedies of seller: cancellation of order by buyer: delivery for shipment: recovery of price.. 689  
Rescission: mutual mistake of fact as to value ..... 123  
Sales Act: section 17 ..... 689  
Section 19, rule 4 (1) ..... 689  
See *Statute of Frauds*  
Statute of frauds: signature of party to be charged: printed stationery: order blanks .... 932  
Warranties: implied: fitness for purpose: exploding soft drink bottles ..... 782  
Implied: wholesomeness: no warranty by city supplying water ..... 788  
Implied: wholesomeness of food: character of duty: extension to son of sub-purchaser ..... 782  
Running with personality .... \*697
- Schools and School Districts**  
See *Mandamus, Issuance of Diploma*
- Scienter**  
See *Torts, Animals*
- Scaled Instruments**  
See *Bills and Notes*  
See *Conveyances*
- Sedition**  
Freedom of speech: effect of war and peace on administration and interpretation of Espionage Act ..... 107  
See *Freedom of Speech*  
Red flag law in Connecticut .... 108  
State Sedition Act valid ..... \*936
- Self Defence**  
See *Criminal Law*
- Self Incrimination**  
See *Evidence*
- Separation Agreement**  
See *Equity, Jurisdiction*
- Servants**  
See *Agency*
- Service**  
See *Private Corporations*
- Service by Publication**  
*Idem sonans* ..... 572
- Servitudes**  
See *Real Property*
- Set-Offs**  
See *Attorneys, Lien*
- Settlement**  
See *Lawsuits*
- Shellfish**  
See *Property*
- Sherman Act**  
See *Monopolies*  
See *Unfair Competition*
- Ships and Shipping**  
See *Admiralty*
- Sidewalks**  
See *Municipal Corporations*
- Slander**  
See *Libel and Slander*
- Small Claims Courts**  
Necessity of: to do adequate justice ..... 475
- Socialism**  
Government merchandizing: "necessities" ..... 933  
Marxism: Birdseye on ..... 817
- Soldiers**  
See *Army and Navy*
- Soldiers' Bonus Law**  
See *Taxation, Public Purposes*
- Solicitors**  
See *Attorneys*
- Specific Performance**  
Accord executory ..... 114  
Agreement and renewal of lease: appointment of arbitrator .... 120

- Mutuality: statute of frauds .. 933  
 Parol gift of land: occupancy.. \*816  
 Part performance: oral contract: statute of frauds ..... 462  
 Second contract: not compelled to break by decree of performance of first: no notice to second contractor ..... \*939
- Spies**  
 See *War*
- Stare Decisis**  
 See *Judgments*  
 Limitations on rule ..... 106, 909, 911  
 Precedent: absence of ..... 913  
 Prevents the construction of laws simply in light of logic and surrounding social facts.. 522
- State Laws**  
 See *Constitutional Law, Treaties*
- States**  
 Immunity: see *Government*
- Statute of Frauds**  
 See under *Conflict of Laws*  
 Memorandum: letters not containing essentials of contract ..... 463  
 Oral agreements of equitable servitude or hereditaments void ..... \*580  
 Oral contracts to be performed within a year: lease for year: to begin in future ..... \*363  
 Parol gift of lands: enforceability: specific performance.. \*816  
 Receipt signed by only one party: satisfying statute does not prevent specific performance for lack of mutuality ... 933  
 See *Sales*  
 See *Specific Performance*
- Statute of Limitations**  
 See *Limitation of Actions*
- Statutes**  
 Construction: anti-trust act and prohibition of storage act: construed to authorize appointment of receiver to sell food illegally stored ..... 913  
 See *Bankruptcy Act*  
 See *Conflict of Laws*  
 See *Constitutional Law, State Statutes*  
 Doctrine of *expressio unius* .. 351  
 Economic matters and public policy as affecting construction ..... 227  
 Privacy: reproduction of plaintiff's picture in news reels not use "for purposes of trade" ..... 450  
 Relation to common law .... 516  
 See *Jurisprudence*  
 Subjective factor in: contains forces both of precedent and of change ..... 394  
 Wording of act disregarded on grounds of policy: Harter Act ..... 557  
 See *Workmen's Compensation*  
 Foreign: see *Conflict of Laws*
- Retroactive effect: see *Constitutional Law*
- Stock**  
 See *Private Corporations*
- Stock Exchange Seat**  
 See under *Property*
- Stockholders**  
 See *Private Corporations*
- Streets**  
 See *Municipal Corporations*
- Strikes**  
 See *Labor Unions*
- Subleases**  
 See *Leases*
- Subpoena Duces Tecum**  
 Records of profits from infringement of patent: proper method of procuring them in court ..... \*472
- Substituted Service**  
 See *Foreign Corporations*
- Successive Actions**  
 See *Nuisance*
- Sunday Laws**  
 See *Torts, In Pari Delicto*
- Suretyship**  
 See *Consideration, Antecedent Debt*  
 Guaranty: acceptance: notice.. 238  
 Incidental beneficiaries: contractors' bonds conditioned on payment of laborers ..... 914  
 Joint promissors: defences of surety allowed ..... \*939  
 Liability of surety: condition of being exposed to upspringing of obligation: failure to discover default and give notice within time fixed ..... 918
- Surface Waters**  
 See *Real Property*
- Surgeons**  
 See *Negligence*
- Suspension**  
 See *Attorneys*
- Taxation**  
 Assessments for paving: benefit to property: railroad "right of way" ..... 689  
 Classification of corporations separately ..... 627 n.  
 Compromise: power of secretary of treasury to ..... 641 n.  
 See *Constitutional Law, Treaties*  
 Doing "business": investing and reinvesting a person's own money ..... 227  
 Excess profits tax: future of .. 743  
 Excess profits tax: some constitutional aspects of ..... 625-642  
 Cash-paid-in basis for reckoning capital: hardship and administrative relief ..... 625  
 Liberty in guarding federal power to tax ..... 627  
 Fifth Amendment and the taxing power ..... 630  
 Congressional discretion and due process ..... 632

Above principles applied to cash-paid-in basis of reckoning capital .....	634
Discretionary relief provision .....	637
Delegation of administrative power by Congress .....	639
Income tax: see <i>Constitutional Law, Privileges and Immunities Clause</i>	
Stock dividends as income...	735-744
Accretion to capital as income .....	738
Taxability of income from state securities .....	740
Distribution of: between life tenant and remainderman ..	741
Corporate entity: disregarding for taxation purposes .....	741
Taxation of partnership: personal service corporation ..	741
Effect of tax-exempt securities upon .....	740
Distinction between earned and unearned income .....	743
Inheritance tax: deed of trust reserving power of revocation not taxable .....	464
Inheritance taxes: devise pursuant to contract taxable ....	808
Inheritance tax: federal estate tax: not chargeable to legacies .....	124
Inheritance tax: federal estate tax not chargeable to legacies but to residue .....	*474
Inheritance taxes: foreign realty: "equitable conversion" ..	808
Inheritance taxation: fundamentally similar to other transfer taxation .....	948
Inheritance tax: gifts <i>causa mortis</i> and <i>inter vivos</i> .....	464
Inheritance taxes: graduated scale as to non-residents: ratio ..	464
Inheritance taxation: Gleason and Otis .....	947
Intangible personality: when held by trustee: when held by executor .....	467
Priority of taxes: deduction of federal estate tax before state inheritance tax computed ....	*473
Public purposes: bounties: soldiers' bonus laws .....	690
Government merchandizing: farming, etc. ....	933
State taxes: domicil: valid at..	*473
Stock exchange seat: taxation at domicil of owner .....	916
Transfer: property located outside state .....	464
Transfer of stock: to third party by one empowered to transfer to self or another: taxable only as single transfer .....	*429, *474
Transfer tax: joint bank account at death of one joint owner is taxable .....	465

**Taxes**

Payment of by purchaser at foreclosure sale: redemption by mortgagor .....	122
--	-----

**Telegraphs and Telephones**

Interstate commerce: intra-state message: transmission through another state .....	*579
Messages accepted by telegraph company over telephone: operator agent of company not of sender .....	934
Mistake in message: contract of sender as to sendee: tort theory .....	573
Mistake in transmission of message: damages .....	*366
Regulations on blanks: company's messenger as agent of sender .....	*697
Telegraphs: liability for unrepeatd messages: government control .....	566
See <i>Torts, Vexation</i>	

**Tenants**

See *Leases*

**Tenants in Common**

See under *Leases*

**Testimony**

See *Evidence*

**Third Party Beneficiaries**

See *Contracts, Beneficiaries*

**Tort Claim**

See *Attachment*

See *Contracts, Accord*

**Torts**

Alienation of affections: see <i>Marriage and Divorce</i>	
Animals: dogs: killing of another dog: <i>scienter</i> .....	109
Domestic: <i>scienter</i> .....	466
Animals in highway: liability of owner: duty to pay for damage .....	466
Attractive nuisance: relation to dangerous instrumentality doctrine .....	223
See <i>Automobiles</i>	
See <i>Bankruptcy, Provable Claims</i>	
See <i>Carriers, Protection of Passengers</i>	
Conspiracy: civil: medical association refusing to aid osteopath .....	800
See <i>Conversion</i>	
See <i>Damages</i>	
Dangerous instrumentalities: exploding soft drink bottles: food: relation to law of implied warranty .....	782
Dangerous instrumentality doctrine: attractive nuisance ....	223
See <i>Estoppel, Actions Ex Delicto</i>	
Failure of offeree's soliciting agent to transmit an offer 673, ..	*693
See <i>Fraud</i>	
See <i>Husband and Wife</i>	
Inducing breach of contract ...	*692

- In *pari delicto*: violation of Sunday laws by both parties: injury to one ..... 810
- Joint tort-feasors: pollution of water courses by manufacturers: duty to pay damages ... 935
- See *Labor Unions*
- Liability without fault: statutory imposition on employers ..... 225
- See *Libel and Slander*
- See *Malicious Prosecution*
- See *Municipal Corporations*
- See *Negligence*
- See *Nuisance*
- See *Oil and Gas*
- See *Telegraphs and Telephones, Mistake in Message*
- Trespassers: track of railroad: duties of railroads ..... \*580
- See *Unfair Competition*
- Vexation: removal of telephone under mistake: inconvenience ..... \*698
- Trade-Marks and Trade Names**
- See *Contracts, Illegality*
- Nature of the trade-mark ..... 303-311
- Definition ..... 303
- Trade-mark has an existence independent of the article to which attached ..... 303
- Distinguishing characteristics cannot be used as a trade-mark ..... 303-304
- Confusion of trade-mark rights and patent rights ..... 305
- Trade-mark "right": definition ..... 305
- Label or ticket: distinguished from trade-mark ..... 306
- Word-mark: essence of ..... 307
- Registration of word-mark confers exclusive privilege.. 307
- Difference between word-mark and trade name ..... 309
- Trade-mark excludes the use of geographical names ..... 310
- See *Unfair Competition*
- Trade Unions**
- See *Labor Unions*
- Transfer of Stock**
- See *Private Corporations, By-laws*
- Transfer Tax**
- See *Taxation*
- Transportation**
- See *Carriers*
- Treaties**
- See *Conflict of Laws*
- See *Constitutional Law*
- See *International Law*
- Trial**
- See *Constitutional Law*
- See *Courts*
- Disorder and excitement during criminal trial incompatible with fair trial ..... \*130
- Impeachment of verdict by affidavits of jurors: not allowed ..... \*248
- Juror examination: indemnity insurance by defendant in action by injured employee .... 241
- Jury: intoxicating liquor: testing real evidence in jury room ..... 794
- Misconduct: juror's statement of facts not evidence: prejudicial error ..... \*580
- Records lost: new trial refused: appeal impossible ..... 241
- Verdicts, general and special .. 253-267
- Exclusive power of court to determine and declare the law ..... 253-254
- No general common-law requirement that juries have anything to do with matters of law ..... 255
- Power of jury to render special verdict ..... 257
- Peculiarity of the general verdict: merger into a single residuum of all matters of law and fact ..... 258
- General verdict: finding of facts: better done by special verdict ..... 258
- General verdict: a failure in determining the "law" ..... 259
- General verdict: a failure in application of the law to the facts ..... 259
- Political function of the jury
- Facts should be found by means of a special verdict 258, 261
- Special verdict: difficult and hazardous to deal with .... 261
- Verdicts: by compromise: by chance: by previous agreement: by average ..... 458
- Verdict: validity: motive of jurors ..... 229
- Trustees**
- See *Bankruptcy*
- Trusts**
- Benevolent purposes: not a charitable trust ..... 242
- Business trusts: doctrine of merger as applied to ..... 97, \*132
- Charitable gifts: remoteness .. 46-51
- Rule against perpetuities: gifts to charities not subject to: confusion involved ..... 46
- "Elastic principle": Tyssen's view ..... 47
- Gray's view ..... 48
- Charities: bequest for masses.. \*581
- Constructive trusts: misappropriation by trustee as larceny ..... 222
- Modern problems in: Scott's *Cases* ..... 249
- Postponement of enjoyment of absolute gift of estate in trust ..... 557
- See *Taxation, Inheritance Tax*
- Trustees and executors: change of capacity: taxation ..... 467
- Tucker Act**
- Doesn't permit suit against United States in tort or in

quasi-contract for a tort resulting in unjust enrichment...	125	<b>Waiver</b> See <i>Contracts</i>	
<b>Undisclosed Principal or Agent</b> See <i>Agency</i>		<b>War</b> Spy: offense not known to civil law: cognizable only in war time .....	793
<b>Undue Influence</b> See <i>Wills</i>		Termination: by political department of government .....	113
<b>Unfair Competition</b> Efforts to define .....	1-28	<b>War Powers</b> Prohibition Act .....	113
Indefiniteness of concept: newness .....	1, 18	Prohibition of sale of liquor lawfully possessed when statute was passed as mere "limitation on use" .....	437, *471
Common law: limits on <i>laissez faire</i> .....	4	<b>Ward</b> See <i>Persons</i>	
Inducing breach of contract Contracts in restraint of trade .....	6 7	<b>Warrant</b> Duty to execute: privilege in exercise of duty .....	*128
Palming off: extension of trade-mark law .....	8	<b>Warranties</b> See <i>Conveyances</i> See <i>Sales</i>	
State statutes: protection both of competitors and of public: monopolies, discrimination, false appearances .....	10	<b>Waters</b> See <i>Real Property</i>	
Sherman Act: rule of reason, consent decrees, inadequacy of criminal prosecutions under .....	15	<b>Way of Necessity</b> See <i>Contracts, Construction</i>	
Development of concept: any theft of custom: any damaging act aimed primarily at damaging another's business .....	19	<b>Webb-Pomerene Law: Extraterritorial Scope of the Unfair Compensation Clause..</b>	29-45
Federal Trade Commission: inefficacy of any means but administrative commission: methods of competition classed as unfair .....	23	Purpose .....	29
Foreign law and methods: Germany, France .....	25	Limitations imposed upon export "associations" .....	29
Export and foreign trade: see <i>Webb-Pomerene Law</i>		Extraterritorial jurisdiction over all exporters, individuals, and associations .....	29
False advertising: enjoined ...	125	Power of Federal Trade Commission to serve complaint on exporters: though the act complained of is done in a foreign country .....	30
Selling below cost: permitted...	125	Constitutionality .....	32
Similarity of appearance: painting taxis .....	*698	Extraterritorial jurisdiction of criminal laws .....	34
<b>Uniform Commercial Acts</b> See under respective subjects, as <i>Sales</i> See <i>Labor Unions</i>		Unfair competition in export trade .....	39
<b>United States</b> See <i>Government</i>		International protection against unfair competition .....	41
<b>Unjust Enrichment</b> See <i>Quasi-Contract</i>		<b>Widow's Award</b> See <i>Dower</i>	
<b>Unliquidated Claims</b> See <i>Bankruptcy, Provable Claims</i>		<b>Wills</b> Conditions: removal before testator's death: intent .....	*698
<b>Usury</b> Deducting highest legal rate of interest in advance .....	457	Construction: "legal heirs and next of kin": gift of remainder .....	575
See <i>Mortgages</i>		Contestable interests: appeals from probate: widow devisee of same as legal allotment ...	811
<b>Verdict</b> See <i>Trial</i>		Contracts to devise: see <i>Contracts</i> Devise pursuant to contract: taxable under inheritance tax	808
<b>Vested Interest</b> See <i>Perpetuities</i>		See <i>Executors and Administrators</i> Expectancies: not a contestable interest .....	*133
<b>Vexation</b> See <i>Torts</i>		Federal estate tax: effect on legacies: on residue .....	124
<b>Voidable Preferences</b> See <i>Bankruptcy</i>		Holographic: revoked by subsequent marriage .....	126
<b>Volunteer</b> See <i>Workmen's Compensation</i>			

- Lapsing of legacies: conflict of laws .....214, \*244
- Post-testamentary declarations, see *Evidence*
- Probate law and practice in Maine: Leighton ..... 251
- Revocation implied by conveyance of the property ..... 468
- Revocation: intent of testator: letter ordering destruction arrested by two witnesses: will not destroyed ..... \*941
- Sanity of testator: presumption: burden of proof ..... \*694
- See *Taxation, Inheritance Taxes*
- Undue influence: burden of proof: confidential relationship ..... \*133
- Burden of proof: opportunity to influence the testator ... \*941
- Wills and Administration**
- See *Monuments, Public*
- Witnesses**
- See *Evidence*
- See *Libel and Slander*
- Workmen's Compensation**
- See *Admiralty*
- Accidental violence to physical structure: rupture caused by vomiting ..... 575
- Attorney's fees: regulated by the Act ..... \*244
- Coemployee: voluntary act causing injury: assault, horseplay, accident: employer's knowledge: how far operative ..669, \*698
- Conditions of employment: disposition of coemployees ..... 669
- Constitutionality: imposition of "unlimited" liability to compensation (including pain and disfigurement) on employers as such, regardless of fault .. 225
- Construction of the Act ..... \*248
- Fault or knowledge of danger in employer: unnecessary to recovery ..... 903
- Loss of earning capacity: facial disfigurement: awards ..... \*581
- Scope of employment: voluntary act for benefit of employer: extinguishing fire after hours ..... \*581
- State statute prohibiting employment of infants: no effect on workmen's compensation act.. 234
- Virginia and West Virginia: Minor ..... 583
- Voluntary act of stranger: recovery for: risk attached to character or location of work ..... 901, \*941
- Volunteer: injured while fixing belt on another machine: no emergency ..... \*366
- Wrongful Death**
- See *Damages*
- Wrongful Death Statute**
- Period of suit allowed after death: condition precedent or limitation ..... 572
- Yale Law Journal:** see *Law Journal*



## TABLE OF CASES

Numerals in italics refer to Leading Articles; in heavy-faced type, to Comments and Book Reviews; in Roman, to Recent Case Notes; with an asterisk, to Current Decisions.

Abdill <i>v.</i> Abdill .....	*939	Baxter <i>v.</i> Philadelphia & Reading	
Abrams: Samuel Storrs, Inc. <i>v.</i> ...	*693	R. R. ....	565
Abrams <i>v.</i> United States .....		Bayler <i>v.</i> Commonwealth .....	*133
.....	337, 338, 339, 340, 423	Beakley <i>v.</i> Optimist Printing Co. ....	458
Adam: Phelan <i>v.</i> ....	*816	Beard: Director of Public Prosecutions <i>v.</i> .....	928
Adams Express Co.: Allen <i>v.</i> ....	354	Bearden: Ransome <i>v.</i> ....	*133
Adams Express Co. <i>v.</i> Beckwith 909, *	940	Beardsley: State <i>v.</i> ....	467
Advance Industrial Supply Co.: Mathews Slate Co. of New York <i>v.</i> .....	*247	Beckwith: Adams Express <i>v.</i> 909, *	940
Ady: Lemke <i>v.</i> ....	467	Beecher <i>v.</i> Vogt Manufacturing Co. ....	*577
Aetna Life Ins. Co.: Hawley <i>v.</i> ....	*695	Beer Co. <i>v.</i> Massachusetts... 438, 440, 590	
Ajax Rubber Co. <i>v.</i> Gam .....	238	Bell <i>v.</i> Milwaukee Electric Ry. & Light Co. ....	232
Alaska Northern Ry.: Ballaine <i>v.</i> ....	664	Belle City Malleable Iron Co. <i>v.</i> Industrial Commission .....	*581
Alden <i>v.</i> Sacramento Suburban Fruit Lands Co. ....	459	Benham <i>v.</i> American Central Life Ins. Co. ....	*938
Alfoni: People <i>v.</i> ....	*577	Bennett <i>v.</i> Atchison, etc., Ry. ....	*472
Al. G. Barnes Co.: Opelt <i>v.</i> ....	223	Bennett <i>v.</i> Winegar .....	572
Allen <i>v.</i> Adams Express Co. ....	354	Bianc: New York Central R. R. <i>v.</i> ....	*581
Alley <i>v.</i> Griffin .....	*470	Big Diamond Milling Co. <i>v.</i> Chicago, M. St. P. Ry. ....	237
Altman: Pastine <i>v.</i> ....	*248	Bigelow's Estate, <i>In re</i> .....	465
American Central Life Ins. Co.: Benham <i>v.</i> ....	*938	Birmingham Canal Co. <i>v.</i> Cartwright .....	88, 89
American Express Co.: Clapp <i>v.</i> ....	*470	Bishop of Durham: Morice <i>v.</i> ..	249
American National Bank: Tolman <i>v.</i> ....	920	Blackwood <i>v.</i> Southern Ry. ....	687
American National Bank <i>v.</i> Wheeler .....	*812	Bloomington <i>v.</i> Bloomington ..	353
American Publishing Co. <i>v.</i> Walker .....	*813	Booth <i>v.</i> Scheer .....	*697
Anderson <i>v.</i> Aronsohn .....	*361	Bordeleau: State <i>v.</i> ....	*814
Anderson <i>v.</i> Durr .....	916, *	Bowen <i>v.</i> Commonwealth .....	*473
Anderson <i>v.</i> Wood .....	*246	Boyd <i>v.</i> Sierra Madre .....	109
Application of Kaiser .....	570	Bradley: Hurlburt <i>v.</i> ....	793
Arizona Commercial Mining Co. <i>v.</i> Iron Cap Copper Co. ....	458	Brady <i>v.</i> Haw .....	*472
Arizona Copper Co. <i>v.</i> Hammer ..	156, 225, 454, 637	Brady: Johnson <i>v.</i> ....	*815
Arnett <i>v.</i> Illinois Central Ry. ....	805	Bragg <i>v.</i> Weaver .....	*577
Arnold <i>v.</i> California Portland Cement Co. ....	241	Brak: Weber <i>v.</i> ....	550
Aronsohn: Anderson <i>v.</i> ....	*361	Brewster <i>v.</i> Weston .....	930
Atchison, etc., Ry.: Bennett <i>v.</i> ..	*472	Brickell <i>v.</i> Hendricks .....	800
Athens Mutual Insurance Co. <i>v.</i> Toney .....	*132	Bridge <i>v.</i> Kedon .....	*133
Atlantic Coast Line R. R. <i>v.</i> Georgia .....	456	Bright: Cunningham <i>v.</i> .... 97, *	133
Auburn Draying Co. <i>v.</i> Wardell 94, 121		Brooker: Mills <i>v.</i> ....	223
		Brooklyn Alcatraz Asphalt Co.: Kelly Asphalt Block Co. <i>v.</i> ....	*939
		Brown: Campbell <i>v.</i> ....	234
		Brown <i>v.</i> Manning .....	*361
		Brown <i>v.</i> Peterson .....	114
		Brown: Sourbier <i>v.</i> ....	239
		Bryan <i>v.</i> Christianson .....	923
		Bugbee: Hill <i>v.</i> ....	464
		Bugbee: Maxwell <i>v.</i> .... 464, 634, 637	
		Buijak <i>v.</i> Connecticut Co. ....	*940
		Bullard <i>v.</i> Suedmeier .....	*937
		Bullock <i>v.</i> Bullock .....	119
		Burbridge: Kennedy <i>v.</i> .... 326, *	364
		Burcham: State <i>v.</i> ....	794
		Burkhalter <i>v.</i> State .....	233
		Burns Bros.: Dettmar <i>v.</i> ....	922
		Burrill: International Paper Co. <i>v.</i> ....	574
Ballaine <i>v.</i> Alaska Northern Ry... 664			
Ball Engineering Co. <i>v.</i> White & Co. ....	125		
Bar Association of City of Boston <i>v.</i> Casey .....	351		
Barack: Tremont Trust Co. <i>v.</i> ....	919		
Barbour <i>v.</i> Georgia .....	438, 440		
Barbour: Hocking Valley Ry. <i>v.</i> ....	*692		
Barbour <i>v.</i> Poncelor .....	688		
Barnes: Stevens <i>v.</i> ....	797		
Barnwell: Caine <i>v.</i> ....	460		
Bartemeyer <i>v.</i> Iowa .....	438		

- Business Men's Accident Ass'n *v.*  
     Lewis ..... \*365  
 Button: Wood *v.* ..... 122  
 B. V. D. Co. *v.* Isaac ..... \*366  
  
 Cadillac Motor Car Co.: Johnson  
     *v.* ..... 568, 782  
 Caffey and Edward: Scatena,  
     Lawson & Perelli *v.* ..... 113  
 Caffey: Ruppert *v.* ..... \*440, 471  
 Caine *v.* Barnwell ..... 469  
 Calder: Hensel *v.* ..... 933  
 California Portland Cement Co.:  
     Arnold *v.* ..... 241  
 Cambi: Thirkel *v.* ..... 463  
 Camors *et al.*: Schall *et al. v.* ... 455  
 Camp: Martin *v.* ..... 921  
 Campbell *v.* Brown ..... 234  
 Campbell *v.* Holt ..... 91, 92, 94  
 Canavan *v.* City of Mechanicville  
     ..... 788  
 Capen *v.* Capen ..... \*813  
 Capps *v.* State ..... \*130  
 Carey & Boettner: Carolina Port-  
     land Cement Co. *v.* ..... 564  
 Carlson *v.* Connecticut Co. .... \*941  
 Carolina Portland Cement Co. *v.*  
     Carey & Boettner ..... 564  
 Carr: Hughes & Tidwell Supply  
     Co. *v.* ..... 683  
 Cartas *v.* United States ..... \*363  
 Carter *v.* Marshall Oil Co. .... 458  
 Carter: Shaffer *v.* ..... 799  
 Cartwright: Birmingham Canal  
     Co. *v.* ..... 88, 89  
 Casey: Bar Association of City  
     of Boston *v.* ..... 351  
 Castello *v.* Sykes ..... 123  
 Caton: P. Reardon, Inc. *v.* ..... 791  
 Central of Georgia Ry.: Lee *v.* ... 806  
 Central of Georgia Ry. *v.* Scrivens  
     ..... \*244  
 Chase National Bank: United  
     States *v.* ..... 921  
 Chicago & Eastern R. R.: John-  
     son City *v.* ..... 690  
 Chicago Great Western Ry.: Lam-  
     mers *v.* ..... 685  
 Chicago, M. St. P. Ry.: Big Dia-  
     mond Milling Co. *v.* ..... 237  
 Chicago Pneumatic Tool Co.:  
     Weil *v.* ..... 116  
 Chicago R. R. *v.* Cole ..... \*936  
 Chicago Rys. Co.: Feldman *v.* ... \*362  
 Chicago Rys.: Hartray *v.* ..... 572  
 Chicago, Rock Island & Pacific Ry.  
     *v.* Cole ..... 454  
 Chicago, R. I. & P. Ry. *v.* Jackson  
     Chipman, Ltd. *v.* Jeffrey Co. .... 554  
 Christianson: Bryan *v.* ..... 923  
 City of Bridgeport *v.* Scott Co. ... 926  
 City of Chicago *v.* Lost ..... 460  
 City of Cleveland: Fowler *v.* ....  
     ..... 678, 911, \*938  
 City of Dubuque: Dubuque Elec-  
     tric Co. *v.* ..... 563  
 City of Flint *v.* Grand Trunk Ry. ... 681  
 City of Glennville: McRary Co. *v.*  
     ..... \*364  
 City of Henderson: Cohen *v.* ..... 456  
 City of Henderson *v.* Redman .... 455  
  
 City of Hickory *et al.*: Ingold *v.* .. \*694  
 City of Holland *v.* Holland City  
     Gas Co. .... 351  
 City of Mechanicville: Canavan *v.*  
     ..... 788  
 City of Owensboro: King *v.* ..... 802  
 City of Sacramento: Pacific Gas  
     & Electric Co. *v.* ..... \*578  
 City of Scranton: Dempsey *v.* ... 565  
 Clapp *v.* American Express Co. ... \*470  
 Clare *v.* Kelley ..... 461  
 Clark *v.* Lehigh Valley Coal Co. ... 575  
 Clark *v.* Norfolk & Western Ry. ...  
     ..... 352, \*362  
 Clay: Thompson *v.* ..... \*132  
 Clinard: Justice *v.* ..... \*816  
 Clivier *v.* Majors ..... 565  
 Coal District Power Co. *v.* Katy  
     Coal Co. .... \*937  
 Coburn, *In re* ..... 459  
 Coen: Du Bois *v.* ..... 453  
 Coffey *v.* United States ..... \*131  
 Coggins *v.* McKinney ..... 357  
 Cohen *v.* City of Henderson ..... 456  
 Cole: Chicago R. R. *v.* ..... \*936  
 Cole: Chicago, Rock Island & Pa-  
     cific Ry. *v.* ..... 454  
 Cole-McIntyre-Norfleet Co. *v.*  
     Holloway ..... 441, \*471, 673  
 Colgate & Co.: United States *v.* ... \*366  
 Collotta *v.* Western Union ..... \*697  
 Collins: Kennedy *v.* ..... 345  
 Columbus Packing Co. *v.* State 913, \*938  
 Common School District 85 *v.*  
     Renville Co. .... 229  
 Commonwealth: Bayler *v.* ..... \*133  
 Commonwealth: Bowen *v.* ..... \*473  
 Commonwealth: Ellis *v.* ..... 794  
 Commonwealth: Omer *v.* ..... \*131  
 Conn *v.* Houston Oil Co. .... 807  
 Connecticut: Geer *v.* ..... 446  
 Connecticut Co.: Buijnak *v.* ..... \*940  
 Connecticut Co.: Carlson *v.* ..... \*941  
 Connecticut Co.: Nehring *v.* ..... 900  
 Connecticut Co.: Tullock *v.* ... 900, \*940  
 Continental Casualty Co.: Kilgo *v.*  
     ..... 807  
 Cook & Co.: Ferrand *v.* ..... 684  
 Cook: Vinson *v.* ..... 357  
 Corey: Sargent *v.* ..... 126  
 Cormier *v.* Worcester Ry. Co. ... 910  
 Cox *v.* Cox ..... 224  
 Crane *v.* United States ..... 344  
 Crawford: DeLadson *v.* ..... 558, 559  
 Crosthwaite: Held *v.* ..... \*130  
 Crystal Coal & Coke Co.: Farley  
     *v.* ..... 935  
 Cunningham *v.* Bright ..... 97, \*133  
 Cunningham: State *ex rel.* Lamb  
     *v.* ..... 655, 657, 658  
 Curtis, Matter of ..... 809  
  
 Daimler Case ..... 773, 775, 777  
 Dalrymple *v.* Randall, Gee &  
     Mitchell Co. .... 346  
 Daniel Feder & Co.: Goldman *v.* ... 569  
 Danks: People *v.* ..... 464  
 Davies *v.* Mann ..... 543  
 Davis *v.* Davis ..... 225  
 Davis *v.* Green ..... 929

Davis v. Malvern Light & Power Co. ....	223	Evangelischer Synod, etc. of North America: Mulliner v. ...	*814
Davis v. Van Camp Packing Co. 784,	788	Evans v. National Bank of Savannah .....	457
DeBok v. Doak .....	931	F. & B. Livery Co. v. Indianapolis Traction & Terminal Co. ....	458
Debs v. United States .....		Fall v. Fall .....	119
Defiel v. Rosenberg .....	337, 340, 424, 425, 426	Farley v. Crystal Coal & Coke Co. ....	935
Deke v. Huenkemeier .....	*695	Farmers' Fertilizer Company: Suter v. ....	769, *813
DeLadson v. Crawford .....	558, 559	Farnham v. Farnham .....	569
Delaney v. State .....	573	Farr v. Weaver .....	121
Delano v. Equitable Trust Co. ...	920	Fauntleroy v. Lum .....	*812
Dempsey v. City of Scranton ....	565	Federal Trade Commission: Sears, Roebuck & Co. v. ....	126, 382
Derfflinger, No. 4 .....	777	Feldman v. Chicago Rys. Co. ....	*362
Desmaris v. People's Gaslight Co. ....	239	Ferrand v. W. H. Cook & Co. ....	684
Dettmar v. Burns Bros. ....	922	Findley v. Shults .....	804
Di Maio v. Yolen Bottling Works ..	*246	Firemen's Ins. Co.: Salvate v. ...	796
Director of Public Prosecutions v. Beard .....	928	Firestone Tire & Rubber Co.: Munger v. ....	*472
District Court: State ex rel. Prall v. ....	458	First Calument T. & S. Bank: State v. ....	*473
Doak: De Bok v. ....	931	First National Bank v. National Surety Co. ....	918
Dodge v. Nashville C. & St. L. Ry. ....	562	First National Bank v. Walling ..	792
Dougherty: Hayford v. ....	*364	First National Bank of Pensacola: McKinnon v. ....	566
Douglas: Wright & Co. v. ....	*364	First Trust Co. v. Illinois Central Ry. Co. ....	*130
Douglass' Estate, In re .....	124	Fisch, Matter of .....	*244
Downer v. Whitecotton .....	229	Fischer v. Mahland .....	*939
Downey v. Guilfoile .....	*133	Fisher: State v. ....	350
Downing: Moore v. ....	550, 551, *579	Fitts: Proprietors of Cornish Bridge v. ....	230
Drohen: Rowe v. ....	556	Fleming: People v. ....	*130
Drown: Slayton v. ....	112	Fletcher: Sprague v. ....	800
Du Bois v. Coen .....	453	Fletcher v. Tuttle .....	658
Dubuque Electric Co. v. City of Dubuque .....	563	Folsom Engraving Co. v. McNeil ..	790
Ducros v. St. Bernard Cypress Co. ....		Ford Motor Co.: Hotel Woodward Co. v. ....	330, 331, 332, *362
Duffill's Estate, In re .....	539, *579	Forney's Estate, In re .....	573
Duhne v. New Jersey .....	*608	Forrester: Loganville Banking Co. v. ....	457
Duncan v. State .....	*472	Fosmire v. National Surety Co. 915,	*937
Dunn: Lawler v. ....	*131	Fountain v. State .....	*130
Dunning: State v. ....	921	Four States Grocer Co. v. Wicken- don .....	674, *693
Durr: Anderson v. ....	*128	Fowler v. City of Cleveland 678, 911,	*938
Dyer v. Mudgett .....	*940	Frank v. State .....	*130
	466	Franklin Knitting Co.: Smart Set Specialty Clothing Co. v. ....	790
Eastern Extension Co. v. United States .....	687	Frazier: Green v. ....	933
East Jersey Water Co.: Mayor & Council of City of Bayonne v. ...		Freudenthal v. Espey .....	232
Eaton v. Eaton .....	547, *578	Frohwerk v. United States .....	
Eberle v. Michigan .....	231	..... 337, 340, 424, 425	
Edwards: Morris v. ....	438, 440	Fuller v. Gale .....	*474
Egbert v. Egbert .....	*581, 614	Fullerton: State v. ....	*365
Eisner v. Macomber .....	811	Gadsden v. State .....	119
..... 630, 679, 735-744,	*812	Gager v. Mathewson .....	*133
Elk Brook Coal Co., In re .....	563	Gale: Fuller v. ....	*474
Elkhorn Valley Coal Land Co. v. ....		Gam: Ajax Rubber Co. v. ....	238
Empire Coal & Coke Co. ....	*937	Garrott: Title Guarantee & Trust Co. v. ....	360
Ellerman Lines, Ltd. v. H. & G. Grayson, Ltd. ....	542, *580	Gaston, Williams & Wigmore: Warner v. ....	*578
Elliott v. McIntosh .....	461		
Ellis: Kelso & Co. v. ....	700		
Emerson v. Payne .....	655, *694		
Empire Coal & Coke Co.: Elkhorn Valley Coal Land Co. v. ...	*937		
Enloe v. Southern Ry. ....	555		
Equitable Trust Co.: Delano v. ...	920		
Ernestina, The .....	557		
Espey: Freudenthal v. ....	232		

- Gates *v.* State ..... \*692  
 Gatto *v.* Gatto ..... \*365  
 Gedding *v.* Marsh ..... 783  
 Geer *v.* Connecticut ..... 446  
 Gelston *et al.* *v.* Hoyt ..... \*131  
 Geofroy *v.* Riggs ..... 447  
 Georgia: Atlantic Coast Line R. R. *v.* ..... 456  
 Georgia: Barbour *v.* ..... 438, 440  
 Gilbert *v.* Rosen ..... 793  
 Gilbert *v.* Selleck ..... 91, \*129  
 Gilley *v.* Jarvis ..... 795  
 Gilliland: State *v.* ..... \*581  
 Globe & Rutgers Fire Ins. Co.: May *v.* ..... \*132  
 Goldman *v.* Daniel Feder & Co. .... 569  
 Gomm: London Ry. Co. *v.* ..... 88  
 Goodrich *v.* Starrett ..... \*366  
 Grand Trunk R. R.: Parke Davis & Co. *v.* ..... 571  
 Grand Trunk Ry.: City of Flint *v.* ..... 681  
 Gratz *v.* McKee *et al.* ..... 237  
 Grayson: Ellerman Lines, Ltd. *v.* ..... 542, \*580  
 Green: Davis *v.* ..... 929  
 Green *v.* Frazier ..... 934  
 Griffin: Alley *v.* ..... \*470  
 Grote: Young *v.* ..... 792  
 Guaranty Oil Company: Higgins Oil & Fuel Company *v.* ..... 213, \*245  
 Guaranty Trust Co. *v.* Hannay ... 546  
 Guilfoile: Downey *v.* ..... \*133  
 Gunter's Adm'r. *v.* Southern Ry. .. \*697  
 Gypsum City: Rose *v.* ..... 117  
  
 Ham *v.* Massasoit Real Estate Co. \*580  
 Hamborn, The ..... 772, 776  
 Hambey *v.* Wood ..... 462  
 Hamilton *v.* Kentucky Distilleries Co. .... 438, 440  
 Hamilton: Stark *v.* ..... 344  
 Hamlin, *In re* ..... 124  
 Hammer: Arizona Copper Co. *v.* ..... 156, 225, 454, 637  
 Hanlen: Western Union *v.* ..... 574  
 Hanley: People *v.* ..... 222  
 Hannay: Guaranty Trust Co. *v.* .. 546  
 Hare *v.* Pendleton ..... 356  
 Harriger: Kintz *v.* ..... 106  
 Harris *v.* Thomas ..... 809  
 Hartray *v.* Chicago Railways .... 572  
 Hastings: Homewood People's Bank *v.* ..... 239  
 Haw: Brady *v.* ..... \*472  
 Hawley *v.* Aetna Life Ins. Co. ... \*695  
 Hayford *v.* Dougherty ..... \*304  
 Hays *v.* Hogan ..... 467  
 Heine: Karpeles *v.* ..... 235  
 Heisinger: McClendon *v.* ..... 349  
 Held *v.* Crosthwaite ..... \*130  
 Hendricks: Brickell *v.* ..... 800  
 Hensel *v.* Calder ..... 933  
 Hepworth Mfg. Co. *v.* Wernham Ryott ..... 232, \*693  
 Herman *v.* Markham Air Rifle Co. \*246  
 Heymann *v.* Ministère de la Guerre ..... \*128  
 Hicks: United States *v.* ..... 114  
 Higgins *v.* State ..... 801  
 Higgins Oil & Fuel Co. *v.* Guaranty Oil Company ..... 213, \*245  
 Hill *v.* Bugbee ..... 464  
 Hirsch: Mast *v.* ..... 467  
 Hocking Valley Ry. *v.* Barbour .. \*692  
 Hoffer *v.* Hooven-Owens-Rentschler Co. .... \*245  
 Hogan: Hays *v.* ..... 467  
 Holland City Gas Co.: City of Holland *v.* ..... 351  
 Holloway: Cole-McIntyre-Norfleet Co. *v.* ..... 441, \*471, 673  
 Holt: Campbell *v.* ..... 91, 92, 94  
 Homewood People's Bank *v.* Hastings ..... 239  
 Hooven-Owens-Rentschler Co.: Hoffer *v.* ..... \*245  
 Horton: Trinity Portland Cement Co. *v.* ..... 240  
 Hotel Woodward Co. *v.* Ford Motor Co. .... 330, 331, 332, \*362  
 Houghton: State *v.* ..... \*936  
 Houston Oil Co.: Conn *v.* ..... 807  
 Howard: Massachusetts Biographical Society *v.* ..... \*813  
 Howe: Lopez *v.* ..... 561  
 Hoyt: Gelston *et al.* *v.* ..... \*131  
 Hubbard *v.* Hubbard ..... 679  
 Hubbard *v.* Southern Ry. .... \*580  
 Huck: Saxony Mills *v.* ..... \*131  
 Huckaby *v.* Walker ..... 804  
 Hudson & M. R. R. *v.* State ... 429, \*474  
 Huenkemeier: Deke *v.* ..... \*473  
 Hughes: Rann *v.* ..... 116  
 Hughes *v.* Techt ..... 350  
 Hughes & Tidwell Supply Co. *v.* Carr ..... 683  
 Humiston *v.* Universal Film Mfg. Co. .... 450  
 Hurlburt *v.* Bradley ..... 793  
 Hutchison *v.* Kelly ..... 355  
 Hylton: Ware *v.* ..... 448  
  
 Illinois Central R. R.: Arnett *v.* .. 805  
 Illinois Central Ry Co.: First Trust Co. *v.* ..... \*130  
 Illinois Central R. R.: Nolan *v.* .. \*245  
 Illinois Commercial Men's Ass'n: Pembleton *v.* ..... 567  
 Illinois Glass Co.: Koehler & Hinrichs Mercantile Co. *v.* .... 238  
 Independent School District: Valentine *v.* ..... 358  
 Indianapolis Traction & Terminal Co.: F. & B. Livery Co. *v.* .... 458  
 Industrial Commission: Belle City Malleable Iron Co. *v.* ..... \*581  
 Industrial Commission: Mepaam & Co. *v.* ..... \*366  
 Ingold *v.* City of Hickory *et al.* .. \*694  
 International Mercantile Marine Co.: Reardon *v.* ..... 792  
 International Paper Co. *v.* Burrill ..... 574  
 International Railway Company *v.* Public Service Commission ... 225, 599  
 Iowa: Bartemeyer *v.* ..... 438  
 Iron Cap Copper Co.: Arizona Commercial Mining Co. *v.* .... 458  
 Isaac: B. V. D. Co. *v.* ..... \*366

Jackson: Chicago, R. I. & P. Ry. <i>v.</i> .....	233	Lake Drummond Canal and Water Co.: Johnson <i>v.</i> .....	431, *471
Jacob Hoffman Brewing Co. <i>v.</i> McEllicott and Caffey .....	113	Lammers <i>v.</i> Chicago Great Western Ry. ....	685
Jarvis: Gilley <i>v.</i> .....	795	Landell <i>v.</i> Lybrand .....	234
Jeffrey Co.: Chipman <i>v.</i> .....	554	Landry: Morency <i>v.</i> .....	797
John Jarvis & Sons: Poulson <i>v.</i> ..	682	Lane: Richardson <i>v.</i> .....	808
Johnson <i>v.</i> Brady .....	*815	Lawler <i>v.</i> Dunn .....	921
Johnson <i>v.</i> Cadillac Motor Co. ....	568, 782	Lawrence <i>v.</i> Prosser .....	126, 729
Johnson <i>v.</i> Lake Drummond Canal and Water Co. ....	431, *471	Leazenby: Johnson <i>v.</i> .....	686
Johnson <i>v.</i> Leazenby .....	686	Lee <i>v.</i> Central of Georgia Ry. ...	806
Johnson <i>v.</i> State .....	*814	Lehigh Valley Coal Co.: Clark <i>v.</i>	575
Johnson: State <i>ex rel.</i> Atwood <i>v.</i>	690	Lemke <i>v.</i> Ady .....	467
Johnson's Estate, <i>In re</i> .....	681	Leora <i>v.</i> Minn. St. P. & S. S. Marie Ry. ....	235
Johnston City <i>v.</i> Chicago & Eastern R. R. ....	690	Levarn: White <i>v.</i> .....	810
Jones <i>v.</i> Meriwether .....	123	Levine: Pennsylvania R. R. <i>v.</i> ..	798
Jones: Savannah <i>v.</i> .....	*129	Lewis: Business Men's Accident Ass'n. <i>v.</i> .....	*365
Jones: West <i>v.</i> .....	924	Lewis <i>v.</i> Scoville .....	689
Joseph Galin Co. <i>v.</i> Newhouse ..	932	Lewis <i>v.</i> Steele .....	467
Judicial Settlement of the Accounts of Henry Overing Talmadge, Executor of Coster Chadwick, deceased, <i>In the matter of</i> .....	215, *245	Lewis Oyster Co. <i>v.</i> West .....	87, *132
Jung <i>v.</i> New Orleans Ry. & Light Co. ....	*470	Lincoln Safe Deposit Co.: Street <i>v.</i> .....	678
Justice <i>v.</i> Clinard .....	*816	Lindsey <i>v.</i> People .....	356
Kaaki <i>v.</i> Préfet de police .....	*129	Loeser: Roos <i>v.</i> .....	110, 466
Kaiser, Application of .....	570	Logan: Kauffman <i>v.</i> .....	355
Kansas: Mugler <i>v.</i> .....	439	Loganville Banking Co. <i>v.</i> Forrester .....	457
Karpeles <i>v.</i> Heine .....	235	London-American Maritime Trading Co. <i>v.</i> Rio de Janeiro T. L. & P. Co. ....	545, *579
Katy Coal Co.: Coal District Power Co. <i>v.</i> .....	*936	London & N. W. Ry.: Radley <i>v.</i>	544
Kauffman <i>v.</i> Logan .....	355	London Ry. Co. <i>v.</i> Gomm .....	88
Kedon: Bridge <i>v.</i> .....	*133	Lopez <i>v.</i> Howe .....	561
Kelley: Clare <i>v.</i> .....	461	Lost: City of Chicago <i>v.</i> .....	460
Kelley <i>v.</i> Kelley .....	*363	Louisiana: New Hampshire <i>v.</i> ..	947
Kelly: Hutchison <i>v.</i> .....	355	Louisiana Ry. & Navigation Co.: Ryan <i>v.</i> .....	684
Kelly Asphalt Block Co. <i>v.</i> Brooklyn Alcatraz Asphalt Co. ....	*939	Louisville & Nashville R. R. <i>v.</i> Nield .....	659, 661, *694
Kelly <i>et al.</i> <i>v.</i> Pennsylvania R. R.	235	Luing <i>v.</i> Petersen .....	116
Kelso & Co. <i>v.</i> Ellis .....	700	Lum: Fauntleroy <i>v.</i> .....	*812
Kennedy <i>v.</i> Burbridge .....	326, *364	Lybrand: Landell <i>v.</i> .....	234
Kennedy <i>v.</i> Collins .....	345	Lynch Realty Co.: Marchiatello <i>v.</i>	699, *698
Kennedy: Reynolds <i>v.</i> .....	326	Lynds: Weil <i>v.</i> .....	*579
Kenney <i>v.</i> Supreme Lodge Loyal Order of Moose .....	*812	McClendon <i>v.</i> Heisinger .....	349
Kentucky Distilleries Co.: Hamilton <i>v.</i> .....	438, 440	McCloskey <i>v.</i> Tobin .....	680
Keough: Maynard <i>v.</i> .....	*695	McClure <i>v.</i> Redman .....	881
Kerkhoff <i>v.</i> Monkemeier .....	*695	McDonald: United States <i>v.</i> ....	793
Kidd <i>v.</i> Pearson .....	439	McDonald: Rundell <i>v.</i> .....	126
Kilgo <i>v.</i> Continental Casualty Co.	807	McEllicott and Caffey: Jacob Hoffman Brewing Co. <i>v.</i> .....	113
King <i>v.</i> City of Owensboro .....	802	McGill's Will, <i>In re</i> .....	*941
Kintz <i>v.</i> Harriger .....	106	McIntosh: Elliott <i>v.</i> .....	461
Kirkland: State <i>v.</i> .....	552	McKee, <i>et al.</i> : Gratz <i>v.</i> .....	237
Knickerbocker Ice Co. <i>v.</i> Stewart Knight <i>v.</i> Waggoner .....	925, *247	McKinney: Coggins <i>v.</i> .....	357
Knudson: Mortenson <i>v.</i> .....	*939	McKinnon <i>v.</i> First National Bank of Pensacola .....	566
Koehler & Hinrichs Mercantile Co. <i>v.</i> Illinois Glass Co. ....	238	McManus: Peterson <i>v.</i> .....	111
Kraper: Pemberton <i>v.</i> .....	550	McNell: Folsom Engraving Co. <i>v.</i>	790
Kreplin <i>v.</i> Kreplin .....	*816	McRary Co. <i>v.</i> City of Glennville	*364
Krinard <i>v.</i> Westerman .....	685	McVean: Yontz <i>v.</i> .....	927
Kronprinzessin Cecilie, The ...	772, *815	Macomber: Eisner <i>v.</i> .....	630, 679, 735-744, *812
		Mahland: Fischer <i>v.</i> .....	*939

- Mail & Express Co.: *People v.* .. 552  
 Majors: *Clivier v.* ..... 565  
 Mallett *v. Scheerer* ..... 120  
 Malvern Light & Power Co.:  
     *Davis v.* ..... 223  
 Mann: *Davies v.* ..... 543  
 Manning: *Brown v.* ..... \*361  
 Manufacturer's Ins. Co.: *Montgomery Garage Co. v.* ..... 921  
 Marchiatello *v. Lynch Realty Co.* ..... 669, \*698  
 Markham Air Rifle Co.: *Herman v.* ..... \*246  
 Marsh: *Gedding v.* ..... 783  
 Marshall Oil Co.: *Carter v.* ..... 458  
 Martin *v. Camp* ..... 921  
 Martin: *Taxi & Yellow Taxi Operating Co. v.* ..... \*698  
 Massachusetts: *Beer Co. v.* 438, 440, 590  
 Massachusetts Biographical Society *v. Howard* ..... \*813  
 Massasoit Real Estate Co.: *Ham v.* ..... \*580  
 Mast *v. Hirsch* ..... 467  
 Masterman: *Wharton v.* ..... 558  
 Mathewson: *Gager v.* ..... \*133  
 Mathews Slate Co. of N. Y., Inc. *v. Advance Industrial Supply Co.* ..... \*218, \*247  
 Matson *v. Matson* ..... 119  
 Maxwell *v. Bugbee* ..... 464, 634, 637  
 May *v. Globe & Rutgers Fire Ins. Co.* ..... \*132  
 Maynard *v. Keough* ..... \*695  
 Mayor & Council of City of Bayonne *v. East Jersey Water Co.* ..... 547, \*578  
 Mazure: *Stubbs v.* ..... 691  
 Mechanics' & Farmers' Savings Bank: *Saperstein v.* ..... \*939  
 Meng, *In re* ..... 243  
 Mepaam & Co. *v. Industrial Commission* ..... \*366  
 Meriwether: *Jones v.* ..... 123  
 Merryweather *v. Nixan* ..... 911  
 Michigan: *Eberle v.* ..... 438, 440  
 Miller *v. Stewart* ..... 102, \*128  
 Milligan, *Ex parte* ..... 794  
 Mills *v. Brooker* ..... 223  
 Milwaukee Electric Railway & Light Co.: *Bell v.* ..... 232  
 Milwaukee Electric Railway & Light Co. *v. State of Wisconsin ex rel. City of Milwaukee* ..... \*692  
 Ministère de la Guerre: *Heymann v.* ..... \*128  
 Minneapolis, St. P. & S. S. Marie Ry.: *Leora v.* ..... 235  
 Mintz *v. Silverton* ..... 924  
 Moers *v. Moers* ..... 114  
 Mohney: *New York Central R. R. Co. v.* ..... 803  
 Monkemeier: *Kerkhoff v.* ..... \*695  
 Montgomery Garage Co. *v. Manufacturers Ins. Co.* ..... 921  
 Moore *v. Downing* ..... 550, 551, \*579  
 Moore *v. Smith* ..... 469  
 Morency *v. Landry* ..... 797  
 Morice *v. Bishop of Durham* .... 249  
 Morris *v. Edwards* ..... \*581, 614  
 Morrison: *Orpin v.* ..... 665, \*694  
 Morrison: *White Sewing Machine Co. v.* ..... 115  
 Mortenson *v. Knudson* ..... \*939  
 Moynihan, *In re* ..... 114  
 Mudgett: *Dyer v.* ..... 466  
 Mugler *v. Kansas* ..... 439  
 Mulliner *v. Evangelischer etc. Synod of North America* ..... \*814  
 Munger *v. Firestone Tire & Rubber Co.* ..... \*472  
 Munro *v. Williams* ..... 901, \*941  
 Nashville etc. Ry.: *Dodge v.* .... 562  
 National Bank of Savannah: *Evans v.* ..... 457  
 National Surety Co.: *First National Bank v.* ..... 918  
 National Surety Co.: *Fosmire v.* ..... 915, \*937  
 Neal: *Price v.* ..... 921  
 Nehring *v. Connecticut Co.* ..... 900  
 Nell: *Schnell v.* ..... 116, 117  
 New Hampshire *v. Louisiana* .... 947  
 Newhouse: *Joseph Galin Co. v.* .. 932  
 New Jersey: *Duhne v.* ..... \*472  
 New Orleans Ry. & Light Co.:  
     *Jung v.* ..... \*470  
 New York Central R. R. *v. Bianc* ..... \*581  
 New York Central R. R. *v. Mohoney* ..... 803  
 New York, New Haven & Hartford R. R. *v. United States* .... 687  
 Nield: *Louisville & N. R. R. v.* ..... 659, 661, \*694  
 Nixan: *Merryweather v.* ..... 911  
 Nolan *v. Illinois Central R. R.* ... \*245  
 Norfolk & Western Ry.: *Clark v.* ..... 352, \*362  
 Northern Ohio G. & S. Co.: *Royal Indemnity Co. v.* ..... 915  
 Northern Trust Co.: *People v.* .... 464  
 Nutt *v. Security Ins. Co. of America* ..... \*938  
 Old Colony Trust Co.: *Plunkett v.* \*474  
 Oleson *v. Somogyi* ..... 575  
 Omer *v. Commonwealth* ..... \*131  
 Opelt *v. Al. G. Barnes Co.* ..... 223  
 Optimist Printing Co.: *Beakley v.* 458  
 Orpin *v. Morrison* ..... 665, \*694  
 Pacific Gas & Electric Co. *v. City of Sacramento* ..... \*578  
 Parisian Co. *v. Williams* ..... \*474  
 Parke, Davis & Co. *v. Grand Trunk Ry.* ..... 571  
 Parodi Cigar Co.: *Zunino v.* .... \*248  
 Pastine *v. Altman* ..... \*248  
 Payne *v. Emerson* ..... 655, \*694  
 Pearson: *Kidd v.* ..... 439  
 Peck *v. Precision Machine Co.* ... 238  
 Pemberton *v. Kraper* ..... 550  
 Pembleton *v. Illinois Commercial Men's Ass'n.* ..... 567  
 Pendleton: *Hare v.* ..... 356

Pennsylvania Gas Co. v. Public Service Commission .....	926	Reed <i>et al.</i> v. Steven <i>et al.</i> .....	236
Pennsylvania R. R.: Kelly <i>et al.</i> v. ....	235	Renville Co.: Common School District 85 v. ....	229
Pennsylvania R. R. v. Levine ....	798	Reynolds v. Kennedy .....	326
Pennsylvania R. R. v. Public Service Commission of Pennsylvania .....	456	Richardson v. Lane .....	808
People v. Alfoni .....	*577	Richardson: Pittsburgh & West Virginia Gas Co. v. ....	*247
People v. Danks .....	404	Rice v. Rice .....	*941
People v. Fleming .....	*130	Ricks: State v. ....	241
People v. Hanley .....	222	Riggs: Geofroy v. ....	447
People: Lindsey v. ....	356	Riggs: Southwestern Telegraph & Telephone Co. v. ....	*698
People v. Mail & Express Co. ....	552	Rio de Janeiro T. L. & P. Co.: London-American Maritime Trading Co. v. ....	*545, *579
People v. Northern Trust Co. ....	464	Ritch v. Robertson .....	*361
People v. Wilson .....	*128	Robertson: Ritch v. ....	*361
People's Gas-Light Co.: Desmaris v. ....	239	Rockefeller: United States v. ...	445
Perkins: Poole v. ....	451	Roennau v. Whitson .....	*815
Peru: Turnpike Co. v. ....	230	Roos v. Loeser .....	110, 466
Peters v. Veasey .....	*362	Root v. Townsend .....	802
Petersen: Luing v. ....	116	Rose v. Gypsum City .....	117
Peterson: Brown v. ....	114	Rose: State v. ....	118
Peterson v. McManus .....	111	Rosen: Gilbert v. ....	793
Phelan v. Adam .....	*816	Rosenberg: Defiel v. ....	*695
Philadelphia & Reading R. R.: Baxter v. ....	565	Rowe v. Drohen .....	556
Pickett v. Walsh .....	791	Rowe v. Tuck .....	118
Pinyan: State v. ....	460	Royal Indemnity Co. v. Northern Ohio G. & S. Co. ....	915
Pittsburgh & West Virginia Gas Co. v. Richardson .....	*247	Rundell v. McDonald .....	126
Plunkett v. Old Colony Trust Co. ....	*474	Ruppert v. Caffey .....	*440, *471
Pole-Carew Co. v. Western Counties Manure Co. ....	931	Ryan v. Louisiana Ry. & Nav. Co. ....	684
Poncelor: Barbour v. ....	688	St. Bernard Cypress Co.: Ducros v. ....	*539, *579
Pond: Smith v. ....	242	St. Tudno, The .....	*776, 777
Poole v. Perkins .....	451	Salisbury v. Western Union .....	934
Postal Telegraph-Cable Co. v. Warren-Godwin Lumber Co. ..	566	Salvate v. Fireman's Ins. Co. ....	796
Postal Telegraph Co.: Wither- spoon & Sons v. ....	*470	Samples: United States v. ....	237, 445
Poulson v. John Jarvis & Sons ..	682	Samuel Stores, Inc. v. Abrams ...	*693
Pratt: Saratoga State Waters Corporation v. ....	*696	Sanderson: State <i>ex rel.</i> McAlister, Atty. Gen. v. ....	796
Precision Mch. Co.: Peck v. ....	238	Sanford's Estate, <i>In re</i> .....	808
Préfet de police: Kaaki v. ....	*129	Saperstein v. Mechanics' & Farmer's Savings Bank .....	*939
Price v. Neal .....	921	Sargent v. Corey .....	126
Proprietors of Cornish Bridge v. Fitts .....	230	Saratoga State Waters Corporation v. Pratt .....	*696
Prosser: Lawrence v. ....	126, 729	Savannah v. Jones .....	*129
Public Service Commission: International Ry. v. ....	225, 599	Saxony Mills v. Huck .....	*131
Public Service Commission: Pennsylvania Gas Co. v. ....	926	Scatena, Lawson & Perelli v. Caffey and Edward .....	113
Public Service Commission: Pennsylvania R. R. v. ....	456	Schaefer v. United States .....	677
Pullen, <i>Re</i> .....	124	Schaeffer: Uden v. ....	922
Radley v. London & N. W. Ry. ..	544	Schall <i>et al.</i> v. Camors <i>et al.</i> ....	455
Railroad Commission: Southern Ry. v. ....	456	Scharmann v. Union Pacific Ry. ...	679
Randall, Gee & Mitchell Co.: Dalrymple v. ....	346	Scheer: Booth v. ....	*697
Rann v. Hughes .....	116	Scheerer: Mallette v. ....	120
Ransome v. Bearden .....	*133	Schehl: Williams v. ....	*248
Readon v. International Mercantile Marine Co. ....	792	Schenck v. United States .....	337, 338, 340, 425, 426
Records v. Smith .....	929	Schnell v. Nell .....	116, 117
Redman: City of Henderson v. ...	455	School District No. 58, <i>In re</i> .....	229
Reeda v. Tribune Co. ....	920	Schrader's Son, Inc.: United States v. ....	*696
		Schults v. Schults .....	828
		Scott Co.: City of Bridgeport v. ...	926
		Scoville: Lewis v. ....	689

Scrivens: Central of Georgia Ry. <i>v.</i> .....	*244	State: Higgins <i>v.</i> .....	801
Seaboard Air Line Co.: Whitman <i>v.</i> .....	239	State <i>v.</i> Houghton .....	*936
Sears: Wintler Abstract and Loan Co. <i>v.</i> .....	348	State: Hudson & M. R. R. <i>v.</i> ..	429, *474
Sears, Roebuck & Co. <i>v.</i> Federal Trade Commission, .....	126, 382	State: Johnson <i>v.</i> .....	*814
Security Ins. Co. of America: Nutt <i>v.</i> .....	*938	State <i>v.</i> Kirkland .....	552
Security Mortgage Co.: Wildung <i>v.</i> .....	111	State <i>v.</i> Pinyan .....	460
Selleck: Gilbert <i>v.</i> .....	91, *129	State <i>v.</i> Ricks .....	241
Shaffer <i>v.</i> Carter .....	799	State <i>v.</i> Rose .....	118
Sharman, <i>In re</i> .....	124	State: Taylor <i>v.</i> .....	353
Shults: Findley <i>v.</i> .....	804	State <i>v.</i> Taylor .....	*131
Sierra Madre: Boyde <i>v.</i> .....	109	State: Thomas <i>v.</i> .....	460
Silverthorne Lumber Co. <i>v.</i> United States .....	553	State: Trott <i>v.</i> .....	114
Silverton: Mintz <i>v.</i> .....	924	State: Walls <i>v.</i> .....	*131
Simpson: United States <i>v.</i> .....	922	State <i>v.</i> Watts .....	915
Skipper <i>v.</i> Stokes .....	*133	State <i>v.</i> Weldon .....	*130
Slaughterhouse Cases .....	155, 435, 947	State <i>ex rel.</i> Atwood <i>v.</i> Johnson..	690
Slayton <i>v.</i> Drown .....	112	State <i>ex rel.</i> Burr <i>v.</i> Tavares & Gulf R. R. ....	359
Smart Set Specialty Clothing Co. <i>v.</i> Franklin Knitting Co. ....	790	State <i>ex rel.</i> Lamb <i>v.</i> Cunningham .....	655, 657, 658
Smith: Moore <i>v.</i> .....	469	State <i>ex rel.</i> McAllister, Atty. Gen., <i>v.</i> Sanderson .....	796
Smith <i>v.</i> Pond .....	242	State <i>ex rel.</i> Prall <i>v.</i> District Court .....	458
Smith: Records <i>v.</i> .....	929	State of Wisconsin <i>ex rel.</i> City of Milwaukee: Milwaukee Electric Ry. & L. Co. <i>v.</i> .....	*692
Smith <i>v.</i> Weaver .....	467	Steele: Lewis <i>v.</i> .....	467
Sneathen <i>v.</i> Sneathen .....	551	Steinberger <i>v.</i> Young .....	126
Sobol <i>v.</i> Sobol .....	225	Stenographer Cases .....	241
Somogyi: Oleson <i>v.</i> .....	575	Stewart: Knickerbocker Ice Co. <i>v.</i> ..	925
Sourbier <i>v.</i> Brown .....	239	Stewart: Miller <i>v.</i> .....	102, *128
Southern Ry.: Blackwood <i>v.</i> ....	687	Steven <i>et al.</i> : Reed <i>et al.</i> <i>v.</i> ....	236
Southern Ry.: Enloe <i>v.</i> .....	555	Stevens <i>v.</i> Barnes .....	797
Southern Ry.: Gunter's Admr. <i>v.</i> ..	*607	Stilson <i>v.</i> United States .....	*363
Southern Ry.: Hubbard <i>v.</i> .....	*580	Stoddard <i>v.</i> Stoddard .....	120
Southern Railway <i>v.</i> Railroad Commission of Indiana .....	456	Stokes: Skipper <i>v.</i> .....	*133
Southwestern Telegraph & Telephone Co. <i>v.</i> Riggs .....	*608	Street <i>v.</i> Lincoln Safe Deposit Co. ..	678
Southwick: Western Union <i>v.</i> ....	*366	Stubbs <i>v.</i> Mazure .....	691
Sprague <i>v.</i> Fletcher .....	800	Sudmeier: Bullard <i>v.</i> .....	*937
Standard Brewery: United States <i>v.</i> .....	*471	Supreme Lodge Loyal Order of Moose: Kenney <i>v.</i> .....	*812
Stark <i>v.</i> Hamilton .....	344	Suter <i>v.</i> Farmers' Fertilizer Company .....	769, *813
Starr, <i>ex parte</i> .....	*936	Swift & Co. <i>v.</i> Tempelos .....	*473
Starrett: Goodrich <i>v.</i> .....	*366	Sykes: Castello <i>v.</i> .....	123
State <i>v.</i> Beardsley .....	467	Tavares & Gulf R. R.: State <i>ex rel.</i> Burr <i>v.</i> .....	359
State <i>v.</i> Bordeleau .....	*814	Taxi & Yellow Taxi Operating Co. <i>v.</i> Martin .....	*698
State <i>v.</i> Burcham .....	794	Taylor <i>v.</i> State .....	353
State: Burkhalter <i>v.</i> .....	233	Taylor: State <i>v.</i> .....	*131
State: Capps <i>v.</i> .....	*130	Techt: Hughes <i>v.</i> .....	350
State: Columbus Packing Co. <i>v.</i> ..	913, *938	Tempelos: Swift & Co. <i>v.</i> .....	*473
State: Delaney <i>v.</i> .....	573	Thirkel <i>v.</i> Cambi .....	463
State: Duncan <i>v.</i> .....	*131	Thomas: Harris <i>v.</i> .....	809
State <i>v.</i> Dunning .....	*128	Thomas <i>v.</i> State .....	460
State <i>v.</i> First Calument T. & S. Bank .....	*473	Thompson <i>v.</i> Clay .....	*132
State <i>v.</i> Fisher .....	350	Tiedman and Ledermann Freres, <i>In re</i> .....	898
State: Fountain <i>v.</i> .....	*130	Title Guarantee & Trust Co. <i>v.</i> Garrett .....	360
State: Frank <i>v.</i> .....	*130	Tobin: McCloskey <i>v.</i> .....	680
State <i>v.</i> Fullerton .....	*365	Tolman <i>v.</i> American National Bank .....	920
State: Gadsden <i>v.</i> .....	119	Toney: Athens Mutual Insurance Co. <i>v.</i> .....	*132
State: Gates <i>v.</i> .....	*602		
State <i>v.</i> Gilliland .....	*581		



Townsend: Root <i>v.</i> .....	802	Ware <i>v.</i> Hylton .....	448
Travis <i>v.</i> Yale & Towne Mfg. Co. ....	799	Warner <i>v.</i> Gaston, Williams & Wigmore .....	*578
Tremont Trust Co. <i>v.</i> Barack ....	919	Warren-Godwin Lumber Co.: Postal Telegraph-Cable Co. <i>v.</i> ...	566
Tribune Co.: Reeda <i>v.</i> .....	920	Watson <i>v.</i> Western Union .....	*579
Trinity Portland Cement Co. <i>v.</i> Horton .....	240	Watts: State <i>v.</i> .....	915
Trott <i>v.</i> State .....	114	Weaver: Bragg <i>v.</i> .....	*577
Tuck: Rowe <i>v.</i> .....	118	Weaver: Farr <i>v.</i> .....	121
Tullock <i>v.</i> Connecticut Co. ....	900, *940	Weaver: Smith <i>v.</i> .....	467
Turnpike Co. <i>v.</i> Peru .....	230	Weber, <i>In re</i> .....	243
Tuttle: Fletcher <i>v.</i> .....	658	Weber <i>v.</i> Brak .....	550, 832
Uden <i>v.</i> Schaeffer .....	922	Week's Estate, <i>In re</i> .....	*473
Union Pacific Ry.: Scharmann <i>v.</i> ..	679	Weil <i>v.</i> Chicago Pneumatic Tool Co. ....	116
United States: Abrams <i>v.</i> .....	337, 338, 339, 340, 423	Weil <i>v.</i> Lynds .....	*579
United States: Cartas <i>v.</i> .....	*363	Weldon: State <i>v.</i> .....	*130
United States <i>v.</i> Chase National Bank .....	921	Wernham Ryott: Hepworth Manufacturing Co. <i>v.</i> .....	232, *693
United States: Coffey <i>v.</i> .....	*131	West <i>v.</i> Jones .....	924
United States <i>v.</i> Colgate & Co. ....	*366	West: Lewis Oyster Co. <i>v.</i> ....	87, *132
United States: Crane <i>v.</i> .....	344	Westerman: Krinard <i>v.</i> .....	685
United States: Debs <i>v.</i> .....	337, 340, 424, 425, 426	Western Counties Manure Co.: Pole-Carew Co. <i>v.</i> .....	931
United States: Eastern Extension Co. <i>v.</i> .....	687	Western Union: Collotta <i>v.</i> ....	*697
United States: Frohwerk <i>v.</i> ....	337, 340, 424, 425	Western Union <i>v.</i> Hanlen .....	574
United States <i>v.</i> Hicks .....	114	Western Union: Salisbury <i>v.</i> ....	934
United States <i>v.</i> McDonald .....	793	Western Union <i>v.</i> Southwick ....	*366
United States: New York, New Haven & Hartford R. R. <i>v.</i> ....	687	Western Union: Watson <i>v.</i> ....	*579
United States <i>v.</i> Rockefeller .....	445	Weston: Brewster <i>v.</i> .....	930
United States <i>v.</i> Samples .....	237, 445	Wharton <i>v.</i> Masterman .....	558
United States: Schaefer <i>v.</i> .....	677	Wheeler: American National Bank <i>v.</i> .....	*812
United States: Schenck <i>v.</i> .....	337, 338, 340, 425, 426	White <i>v.</i> Levarn .....	810
United States <i>v.</i> Schrader's Son, Inc. ....	*696	White & Co.: Ball Engineering Co. <i>v.</i> .....	125
United States: Silverthorne Lumber Co. <i>v.</i> .....	553	Whitecotton: Downer <i>v.</i> .....	229
United States <i>v.</i> Simpson .....	922	White Sewing Machine Co. <i>v.</i> Morrison .....	115
United States <i>v.</i> Standard Brewery ..	*471	Whitman <i>v.</i> Seaboard Air Line Co. ....	239
United States: Stilson <i>v.</i> .....	*363	Whitson: Roennau <i>v.</i> .....	*815
United States <i>v.</i> Vogel .....	560	Wickendon: Four States Grocer Co. <i>v.</i> .....	674, *693
Universal Film Mfg. Co.: Humiston <i>v.</i> .....	450	Wildung <i>v.</i> Security Mortgage Co. ....	111
Valentine <i>v.</i> Independent School District .....	358	Williams: Munro <i>v.</i> .....	901, *941
Van Camp Packing Co.: Davis <i>v.</i> ..	784, 788	Williams: Parisian Co. <i>v.</i> .....	*474
Vanden Bosch's Estate, <i>In re</i> ....	*133	Williams <i>v.</i> Schehl .....	*248
Veasey: Peters <i>v.</i> .....	*362	Wilson: People <i>v.</i> .....	*128
Vinson <i>v.</i> Cook .....	357	Winegar: Bennett <i>v.</i> .....	572
Vogel: United States <i>v.</i> .....	560	Wintler Abstract and Loan Co. <i>v.</i> Sears .....	348
Vogt Manufacturing Co.: Beecher <i>v.</i> .....	*577	Witherspoon & Sons <i>v.</i> Postal Telegraph Co. ....	*470
Vreeland <i>v.</i> Vreeland .....	551	Wood: Anderson <i>v.</i> .....	*246
Waggoner: Knight <i>v.</i> .....	*247	Wood <i>v.</i> Button .....	122
Walker: American Publishing Co. <i>v.</i> ..	*813	Wood: Hambey <i>v.</i> .....	462
Walker: Huckaby <i>v.</i> .....	804	Worcester Ry. Co.: Cormier <i>v.</i> ..	910
Walling: First National Bank <i>v.</i> ..	792	Wright & Co. <i>v.</i> Douglas .....	*364
Walls <i>v.</i> State .....	*131	Yale & Towne Mfg. Co.: Travis <i>v.</i> ..	799
Walsh: Picket <i>v.</i> .....	791	Yolen Bottling Works: Di Maio <i>v.</i> ..	*246
Wardell: Auburn Draying Co. <i>v.</i> 94, 121		Yontz <i>v.</i> McVean .....	927
		Young <i>v.</i> Grote .....	792
		Young: Steinberger <i>v.</i> .....	126
		Zamora, The .....	703
		Zunino <i>v.</i> Parodi Cigar Co. ....	*248